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# Serial Scope:

101 THRU 150

104 THRU 105

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz

TO :MR. W. R. WANNALL

DATE: April 24, 1975

1 - Mr. J. B. Hotis
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

FROM :MR. W. O. CREGAR

SUBJECT: SENSTUDY 75

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

This memorandum reports the receipt of a legal memorandum prepared by Mr. Edmund Cohen, Office of the General Counsel, Central Intelligence Agency, entitled "Authority of Congress to Release Classified Data." Copies of this legal memorandum have been furnished to Mr. Anthonin Scalia, Assistant Attorney General, and Mr. James A. Wilderotter, Associate Counsel to the President.

Memorandum Cregar to W. R. Wannall dated 4/14/75 discussed an article contained in the 4/10/75 edition of "The Washington Post" wherein Senator Frank Church, Chairman of the Senate Select Committee, stated he reserved the right to make public any documents the Committee received. This memorandum also noted that Mr. James Wilderotter, Associate Counsel to the President, advised that The White House was preparing a letter to Senator Church recognizing that Congress can, at its discretion, declassify material it receives, but strongly urging that such declassification action not be taken unilaterally by the Senate Select Committee without approval of the agency originating the information.

As an aid to the preparation of such a letter, the Office of CIA's General Counsel has prepared a paper entitled "Authority of Congress to Release Classified Data." Copy attached. It was made available to all members of the Ad Hoc Coordinating Group for Congressional Review of the Intelligence Committee for information and any comments recipients desired to make.

ACTION: For information.

REC-100 62-116395-150

Enclosure

62-116395

WOC:ekw (6)

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14 MAY 15 1975

The CIA memo does not solve the problem, therefore it requires no further analysis.

84 MAY 27 1975

DIRECTOR OF CENTRAL INTELLIGENCE

Ad Hoc Staff
75-350

17 April 1975

MEMORANDUM FOR: Members of the USIB Ad Hoc Coordinating Group

This is being furnished you at Dr. Clarke's request.

Harriett D. Mowitt
Harriett D. Mowitt
Executive Secretary

Attachment

#MDR16
ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2 ALM/dlf

62-116395-150
ENCLOSURE

MEMORANDUM FOR: Antonin Scalia, Esq.
Assistant Attorney General
Office of Legal Counsel

Attached is a hurriedly done legal memorandum entitled "Authority of Congress to Release Classified Data." I would welcome your comments on this so that a finished document could be made available to the various agencies concerned.

John

John S. Warner
General Counsel
Central Intelligence Agency

12 April 1975
(DATE)

NO. 101 REPLACES FORM 10-101 WHICH MAY BE USED. (47)
G 54

MEMORANDUM FOR: James A, Wilderotter, Esq.
Associate Counsel to the President

Attached is a hurriedly done legal memorandum entitled "Authority of Congress to Release Classified Data." I would welcome your comments on this so that a finished document could be made available to the various agencies concerned.

John

John S. Warner
General Counsel
Central Intelligence Agency

12 April 1975
(DATE)

NO. 101 REPLACES FORM 10-101 WHICH MAY BE USED. (47)
G 54

11 March 1975



MEMORANDUM FOR: General Counsel

SUBJECT : Authority of Congress to Release Classified Data

1. I have found no express authority for Congress to publicly release information classified by the executive branch pursuant to an Executive order issued by the President. Moreover, on a number of occasions Congress has mandated that matters pertaining to national defense or foreign policy be kept secret.

--Congress has made it a crime for one lawfully having possession, access or control of documents relating to national defense or information relating to the national defense which the possessor has reason to believe could be used to the injury of the United States or to the advantage of any foreign nation to communicate, deliver, or transmit same to any person not entitled to receive it. 18 U.S.C.A. 793(d).

--Congress has made it a crime to disclose to an unauthorized person or publish any classified information obtained by the processes of communications intelligence. 18 U.S.C.A. 798(a).

--Congress has made it a crime to photograph or sketch vital military or naval installations or equipment requiring protection against general dissemination of information. 18 U.S.C.A. 795. It is also a crime to publish or disseminate photographs, maps, or drawings of such defense installations without first obtaining permission of the commanding officer or higher authority. 18 U.S.C.A. 797.

--Congress, in order to prevent public disclosure of certain activities, has given various officials the power to keep confidential certain funds expended for national security or foreign relations purposes. Such authority is given, for example, to the President (22 U.S.C.A. 2364), to the Secretary of State (31 U.S.C.A. 107), and to the Director of Central Intelligence (50 U.S.C.A. 403j).

--Congress has provided that meetings of the Senate Committee on the Budget may be closed to the public if it is determined by a record vote of a majority of the members that the matter to be discussed

> ...will disclose matters necessary to be kept secret in the interest of national defense or the confidential conduct of the foreign relations of the United States. 2 U.S.C.A. 190a-3.

--Congress, after requiring that the Secretary of State transmit forthwith to the Congress the text of any international agreement, other than a treaty, to which the United States is a party, goes on to provide that

> ...any such agreement the immediate public disclosure of which would, in the opinion of the President, be prejudicial to the national security of the United States shall not be so transmitted to the Congress but shall be transmitted to the Committee on Foreign Relations of the Senate and the Committee on Foreign Affairs of the House of Representatives under an appropriate injunction of secrecy to be removed only upon due notice from the President. 1 U.S.C.A. 112b.

--Finally, Congress, in enacting the Freedom of Information Act, expressly exempted from disclosure matters which are

> ...specifically authorized under criteria established by an Executive order to be kept secret in the interest of national defense or foreign policy. 5 U.S.C.A. 552(b)(1).

2. Despite this apparent lack of authority to release classified data and the existence of the above-mentioned statutes, Congress is constitutionally immunized, at least in part, against any consequences flowing from release and disclosure of classified information. Article I, § 6 of the Constitution states in respect to Senators and Representatives that:

> ...for any Speech or Debate in either House, they shall not be questioned in any other Place.

3. A long line of Supreme Court cases, beginning with Kilbourn v. Thompson, 103 U.S. 168 (1991), has held that the privilege or immunity relating to speech or debate should be given a broad and liberal construction. In Kilbourn the court stated:

> It would be a narrow view of the Constitutional provision to limit it to words spoken in debate. The reason of the rule is as forcible in its application to written reports presented in that body by its committees, to resolutions offered, which, though in writing, must be reproduced in speech, and to the act of voting.... In short, to things generally done in a session of the House by one of its members in relation to the business before it. (At p. 204.)

4. The court, moreover, has resisted arguments that an unworthy purpose should destroy the privilege. In Tenney v. Brandhove, 341 U.S. 367 the court reaffirmed its earlier holding in Fletcher v. Peck, 6 Cranch 87 (1810), stating:

> ...that it was not consonant with our scheme of government for a court to inquire into the motives of legislators, has remained unquestioned. (At p. 377.)

The distance to which the court was willing to go to uphold this principle was seen in United States v. Johnson, 383 U.S. 169 (1966). In that case a former Congressman was convicted for conspiracy to defraud the U.S., in part on evidence that, in pursuance of a conspiracy designed to give assistance to certain savings and loan associations which had been indicted on mail fraud charges, he was paid to give a speech on the floor of the House. The Supreme Court granted a new trial holding that a prosecution which draws in question the legislative acts of the defendant member of Congress or his motives for performing them "necessarily contravenes the Speech or Debate Clause." (At p. 185.)

5. The court addressed the issue of classified information in Gravel v. United States, 408 U.S. 606 (1972), a case which arose when Senator Gravel, Chairman of the Subcommittee on Buildings and Grounds of the Senate Public Works Committee, convened a night meeting of the Subcommittee and there read extensively from a copy of the Pentagon Papers which bore a Defense security classification of Top Secret - Sensitive. He then placed the entire 47 volumes of the study in the public record. Senator Gravel claimed that Article I, section 6 protected him from criminal or civil liability and from

questioning elsewhere than in the Senate, with respect to the events occurring at the Subcommittee hearing at which the Pentagon Papers were introduced into the public record. The court stated: "..../T/o us this claim is incontrovertible." (At p. 615.)

6. The court further noted that:

> The Speech or Debate Clause was designated to assure a co-equal branch of the government wide freedom of speech, debate, and deliberation without intimidation or threats from the Executive Branch. It thus protects Members against prosecutions that directly impinge upon or threaten the legislative process. We have no doubt that Senator Gravel may not be made to answer--either in terms of questions or in terms of defending himself from prosecution--for the events that occurred at the subcommittee meeting. (At p. 616.)

7. From the above, together with the positive phrasing of Article 1, § 6 of the Constitution, it would appear that any Member may make any statement he desires on the floor of the Congress or in one of its committees. Such statement shall be absolutely privileged, notwithstanding that it was based on information secured from classified Central Intelligence Agency material either furnished the Member in confidence or containing any restrictive notice as to use or dissemination. This privilege would operate if the Member were to read the information verbatim into the record on the floor or into the record of hearings before a congressional committee. It would still be privileged when it appeared, verbatim, in the Congressional Record or in the published hearings of a congressional committee. The only sanction, apart from the individual conscience and sense of responsibility of the Member, would have to come from Congress itself, which has the power to discipline any Representative or Senator who improperly disclosed classified information.

8. One additional wrinkle might be noted. Although Congressmen would be immune from liability for introducing classified information into a committee report and immune from liability for ordering it printed and disseminated to the public at large, the Public Printer and the Superintendent of Documents may not be immune from suit for printing and disseminating such reports to the public. The court examined this question in Doe v. McMillan, 412 U.S. 306(1973), a case in which petitioners claimed that a report issued by the House Committee on the District of Columbia, containing

documents relating to disciplinary problems of certain specifically named students, violated statutory, constitutional and common-law rights to privacy. The Supreme Court refused to determine whether dissemination to the public would serve the important legislative function of informing the public concerning matters pending before Congress for the purpose of holding Members of Congress liable. However, it remanded the case to the Court of Appeals, in part to undertake just such a review in order to determine whether the Public Printer and the Superintendent of Documents, who were without blanket immunity, could be held liable.

9. The discussion thus far has dealt only with congressional immunity for releasing classified information in Congress. No such immunity exists in the case of disclosures made by congressmen outside of Congress. Thus, in Long v. Ansel, 69 F.2d 386 (Ct. App., D.C. 1934), affd. 293 U.S. 76 (1934), and in McGovern v. Martz, 182 F. Supp. 343 (US Dist. Ct., D.C. 1960) it was held that if a Senator or Representative is alleged to have committed libel by republishing and disseminating remarks made in the Congress, such republication and dissemination is not within the Speech or Debate privilege even if such privilege would have been applicable to the original publication of the remarks. Again, in Gravel v. United States, 408 U.S. 606 (1972), and in Doe v. McMillan, 412 U.S. 306 (1973) the court noted that the Speech or Debate Clause does not protect "a private republication of documents introduced and made public at a committee hearing, although the hearing was unquestionably part of the legislative process."

10. From the above it is apparent that a Member is not privileged to circulate CIA documents to his constituents, to the press, or by reading to a meeting or on radio or television. Such action could well make the member liable for prosecution under the espionage laws, but in any event would expose him to the same liability for these actions as any other citizen. As a practical matter, however, the prosecution of a Member for unauthorized disclosure of classified CIA material, or disciplinary action by Congress itself, is very unlikely.

EDMUND COHEN
Office of General Counsel

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

TO : Mr. J. B. Adams

DATE: May 2, 1975

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Legal Coun.
Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

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The April 29, 1975, Congressional Record - Senate, pages S 7054 through and including S 7056, sets forth rules and procedures for the captioned Committee. The rules cover such topics as the convening of meetings, meeting procedures, news media coverage, investigations, subpoenas, procedures related to the taking of testimony, procedures for handling classified or sensitive material, preparation for committee meetings, staff, and reporting of measures or recommendations.

The key sections of these rules are subpoenas, investigations, and procedures related to taking of testimony.

Concerning the issue of subpoenas, subpoenas may be issued by the Chairman or any other member designated by him with the consultation of the Vice Chairman.

Procedures relating to the taking of testimony provide that testimony shall be given under oath or affirmation. It also provides that a witness may be accompanied by counsel. Witnesses may also request that there be no news media coverage of their testimony. Witnesses will also be given the opportunity of furnishing a statement prior to, and/or at the conclusion of his or her testimony. With regard to inspection and correction of testimony, witnesses will be allowed a reasonable opportunity to inspect their testimony, and corrections are permissible, but must be made in writing within five days of the availability of the transcript containing their testimony. Names of witnesses cannot be made public prior to their testimony unless authorized by the Chairman.

Contempt procedures as set forth, require that after notice to all members of the Committee, and the affected person has had the opportunity to state in writing or in person why he

Enclosure
1 - Mr. Adams
1 - Mr. Wannall
1 - Mr. Mintz
1 - Mr. Hotis
1 - Mr. Daly
1 - Mr. Cregar
PVD:eek
(8)

REC-100 62-116395-149

ENCLOSURE

6 MAY 20 1975

(CONTINUED - OVER)

LEGAL COUNSEL

84 MAY 27 1975

or she should not be held in contempt, a vote would be taken by the Committe with a majority being necessary for the referral of a contempt citation to the full Senate.

The rules concerning sensitive material limit access to such material to employees on a need-to-know basis and to only those staff members with appropriate security clearances.

Reporting procedures for the Committee provide that where the Committee is unable to reach a unanimous decision, separate views and reports may be printed by any member or members of the Committee.

A complete Xerox copy of the rules as they appear in the Record is attached.

RECOMMENDATION:

Action. For Information.

JBA

PLM

K

imperceptible, while 2.5 can be felt near the point of origin and 3 can be felt over a fair-sized area. Slight damage can be caused at 4.5, a level of 5 is considered damaging, 7 is major, and 8 is a "great earthquake."

The issue, most geologists and seismic experts agree, is not whether another blockbuster quake will occur, but when. It could happen any time.

Should that earthquake occur "tomorrow," these experts believe, the following realities await Californians:

Tens of thousands of buildings built in the first half of the century, clearly hazardous under severe earthquake conditions, in use in San Francisco and Los Angeles, could topple, endangering thousands of lives (an estimated 250,000 in Los Angeles alone).

Other thousands of buildings, built on or near faults face destruction from ground shaking and land fill.

High-rise buildings, built to more modern standards, may not topple, but face serious hazards of fire, disabled elevators and inadequate stairwell safety.

Earthquake disaster urgency plans are in the nascent stages throughout the state, hampered by apathy among public officials, lack of funds and infrequent exercises.

The public is ill-prepared to cope with earthquakes or their aftermaths. There is virtually no publicity about what to do during or after a major quake. Earthquake drills are rarely, if ever, held in communities or in public buildings (schools are an exception).

A recent federally sponsored study gives these estimates of death and injury should a temblor of more than 7 or 8 on the Richter scale occur in or near San Francisco or Los Angeles:

San Francisco—as many as 10,000 persons dead and 40,000 injured. (Should a major dam break, the death toll could rise to 60,000.) Another 50,000 could be left homeless (not including dam evacuees).

Los Angeles—as many as 20,000 deaths and up to 600,000 injured. Additional deaths possible due to major dam failure—up to 14,000. Homeless (not including dam evacuees), up to 180,000.

At the very best, Californians are fatalistic about earthquakes, accepting that they will come, and hoping they will be out of the affected area when it happens.

"You don't know when it is going to be or how it's going to be," said one West Los Angeles resident. "I should put money into making my house earthquake-proof when I could be in some skyscraper swaying when it happens? Who cares?"

In San Francisco, a college professor recently asked 125 residents in a random sampling what they would do if an earthquake comes. Sixty per cent said, in effect, "Start praying. What else is there to do?"

What can be done? In fact, quite a lot—and some of it is being accomplished in the areas of building code upgrading, land-use planning, emergency preparedness, earthquake prediction, and public education. But the effort of a few aggressive legislators, state and local officials, and private citizens is frustrated by the low level of priority generally assigned to earthquake protection.

The "kill ratio" of past California earthquakes is extremely low compared to, say, traffic accidents. About 900 persons have died as the results of quakes since the turn of the century compared to an average annual highway toll of 4,800. Thus there are those who argue against expenditures of time and effort on something as mercurial and unpredictable as an earthquake.

California's new governor, Edmund G. Brown, Jr., is said to be one of those. According to a recent news story, Brown suggested that money being allocated for safe buildings might be used to improve the quality of education, to rehabilitate housing for the poor, or to create construction jobs.

After the San Frenando quake, there was a flurry of studies, hearings, plans and legislation.

In Los Angeles, the building code requirements were toughened. Explained Bob Williams, general manager of Los Angeles' Department of Building and Safety: "We doubled the loading strength requirements and required standards twice as strong in reinforced concrete and reinforced masonry."

Los Angeles' building code is in some respect tougher than the Uniform Building Code to which most jurisdictions in the state adhere. One official, Long Beach building director Edward M. O'Connor, a leading proponent of better preparedness, contends that the Uniform Building Code falls short.

"It does not fulfill the purpose of the code: to preserve life, limb, property and the public welfare in the event of an earthquake," he said.

Changes in the uniform code come slowly. They are modeled after recommendations by the California Structural Engineers Association, composed of professional engineers who help design buildings.

The recommendations usually represent a balance of conservative and liberal strains within the association, and, according to some observers, are strongly influenced by economic considerations.

The drafters of the uniform code are still wrestling with one of the central lessons of the San Fernando earthquake—the fact that major buildings are being constructed with little knowledge or consideration of soil and geological conditions and how they might respond to ground shocks.

Geologists and seismic experts admit they know very little about what causes earthquakes or precisely how buildings are affected by local or even distant shocks. Now, for the first time, California is placing instruments that measure motion in key buildings around the state. But they must await another earthquake to produce usable data.

In the meantime, seismic considerations are working their way slowly—some say too slowly—into building requirements.

New laws ban construction directly over active faults, require satisfactory geologic studies before new hospitals are built, require that a "seismic safety element" be included in local planning, and require the correction of unsafe dam conditions.

This legislation added up to the most progressive package of earthquake measures in 40 years, but it was not accomplished without resistance. The restriction on building on or near faults, for example, inspired a storm of protest from real estate developers and individual lot owners that eventually forced a modification softening the restriction.

A hospital law passed in 1972 requires that detailed geological and soil reports for proposed hospital construction be reviewed by state geologists.

James Flosson, director of the state Department of Mines and Geology, promptly ran into problems.

"The reports the first few months were a disgrace to the profession," Flosson said. "We insisted that they be redone, and done again until they were right. I've had my head bloodied many times as a result. I've been threatened, told my career would be ruined—a few geologists tried to get me fired. But we stood by our guns and now the quality of the reports is excellent."

Another area of controversy is highrise safety. Berkeley architect Karl V. Steinbrugge believes the modern steelframe construction will withstand intense shocks. But Henry J. Degunkolb, a San Francisco structural engineer and frequent critic of safety standards, said:

"I would not find it unreasonable to expect . . . there will be 15 to 30 total collapses with another 50 to 100 severely damaged" in San Francisco.

While there is disagreement about highrise collapse, there is a broad consensus that most existing high rises are vulnerable to extensive internal damage from unbolted equipment and, most significantly, from fire.

The dangers are serious enough to have prompted major changes recently in fire regulations for all future buildings.

All future high rises (above 75 feet) will be built with automatic governors that bring elevators instantly to ground level, and, most importantly, with sprinkler systems at every level.

All but a minuscule number of the nearly 2,000 high rises presently in Los Angeles and San Francisco lack sprinkler systems.

Requirements that they be installed were written into a state law last year, but efforts to draft regulations ran into fierce opposition from builders, the Chambers of Commerce and other businessmen.

The battle is still being fought.

San Francisco's disaster plan is advanced over those of other municipalities, but it suffers from lack of a central communications network, insufficient coordination among departments and inadequate practical exercises, according to a city planning department study.

"All it is is a paper organization," said Alfred Goldberg, head of the city's building department.

Goldberg's concerns are echoed by James Halgwood, state emergency services officer in charge of helping to create state-level disaster plan for Southern California.

Commented Halgwood: "I don't think most elected and appointed officials understand they have a real responsibility to have their jurisdictions prepared. They are only doing a barebones job."

## RULES OF PROCEDURE FOR THE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

Mr. CHURCH. Mr. President, in accordance with the provisions of the Legislative Reorganization Act of 1970, I submit now for publication in the RECORD the rules of procedure for the Select Committee To Study Governmental Operations With Respect to Intelligence Activities. These rules were adopted by the members of the Select Committee on April 9, 1975. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the rules were ordered to be printed in the RECORD, as follows:

RULES OF PROCEDURE FOR THE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES, U.S. SENATE, ADOPTED APRIL 9, 1975

These Rules are issued pursuant to the 1st Section of Senate Resolution 21, 94th Congress, 1st Session, agreed to January 27, 1975, and printed in full in the appendix hereto.

RULE 1. CONVENING OF MEETINGS

1.1 The Committee may schedule a regular day and hour for the Committee to meet.

1.2 The Chairman shall have authority, upon proper notice, to call such additional meetings of the Committee as he may deem necessary and may delegate such authority to any other member of the Committee.

1.3 A special meeting of the Committee may be called at any time upon the written request of six or more members of the Committee filed with the Clerk of the Committee.

1.4 In the case of any meeting of the Committee, other than a regularly scheduled meeting, the Clerk of the Committee

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DATE 1-19-01 BY SP2ALM/JTS

ENCLOSURE 62-116395-149

shall notify every member of the Committee of the time and place of the meeting and shall give reasonable notice which, except in extraordinary circumstances, shall be at least 24 hours in advance of any meeting held in Washington, D.C. and at least 48 hours in the case of any meeting held outside Washington, D.C.

1.5 If a majority of the members of the Committee have made a request in writing to the Chairman to call a meeting of the Committee and the Chairman fails to call such a meeting within seven calendar days thereafter, including the day on which the written notice is submitted, such majority may call a meeting by filing a written notice with the Clerk of the Committee who shall promptly notify each member of the Committee in writing of the date and time of the meeting.

RULE 2. MEETING PROCEDURES

2.1 Meetings of the Committee shall be open to the public except when otherwise directed by the Chairman or majority vote of members present.

2.2 It shall be the duty of the staff director to keep or cause to be kept a record of all Committee proceedings.

2.3 The Chairman of the Committee, or if the Chairman is not present the Vice Chairman, shall preside over all meetings of the Committee. In the absence of the Chairman and the Vice Chairman at any meeting majority member is present the ranking minority member present, shall preside.

2.4 Except as otherwise provided in these Rules, decisions of the Committee shall be by majority vote of the members present and voting. A quorum for the transaction of Committee business, including the conduct of Executive sessions, shall consist of six Committee members except, that for the purpose of hearing witnesses, taking sworn testimony, and receiving evidence under oath, a quorum may consist of one Senator.

2.5 A vote by any member of the Committee with respect to any measure or matter being considered by the Committee may be cast by proxy if the proxy authorization (1) is in writing to the Chairman or Vice Chairman; (2) designates the member of the Committee who is to exercise the proxy; and (3) is limited to a specific measure or matter and any amendments pertaining thereto. Proxies shall not be considered for the establishment of a quorum.

RULE 3. BROADCASTING, TELEVISION, AND PHOTOGRAPHY

Any Committee meeting which is open to the public may, subject to Rule 6.7, be covered, in whole or in part, by television, radio, still photography or other media coverage, if the Chairman authorizes such coverage. When coverage by any such media is authorized it must be conducted in an orderly and unobtrusive manner, and the Chairman may for good cause terminate such media coverage in whole or in part, or take such other action as the circumstances may warrant.

RULE 4. INVESTIGATIONS

No investigation shall be initiated by the Committee unless a majority of the members of the Committee has specifically authorized such investigation, but any member of the Committee shall be entitled to pursue any inquiry individually unless specifically prohibited by a majority vote of the members of the Committee. Authorized investigations or inquiries may be conducted by members of the Committee and/or by designated staff members.

RULE 5. SUBPOENAS

Subpoenas for attendance of witnesses or the production of memoranda, documents, records, or any other material may be issued by the Chairman, or any other member designated by him after consultation with the Vice Chairman, and may be served by any person designated by the Chairman or member. Each subpoena shall contain a copy of Senate Resolution 21, 94th Congress, 1st Session.

RULE 6. PROCEDURES RELATED TO THE TAKING OF TESTIMONY

6.1 *Notice.*—Witnesses required to appear before the Committee shall be given reasonable notice and all witnesses shall be furnished a copy of these Rules.

6.2 *Oath or Affirmation.*—Testimony of witnesses shall be given under oath or affirmation which may be administered by any member of the Committee.

6.3 *Interrogation.*—Committee interrogation shall be conducted by members of the Committee and such staff personnel as is authorized by the Chairman, the Vice Chairman, or the presiding member.

6.4 *Counsel for the Witness.*—(a) Any witness may be accompanied by counsel. A witness who is unable to obtain counsel may inform the Committee of such fact, and if consistent with the notice given under Section 6.1 hereof, at least 24 hours prior to his appearance before the Committee, the Committee shall then endeavor to obtain voluntary counsel for the witness, but failure to obtain such counsel will not excuse the witness from appearing and testifying.

(b) Counsel shall conduct themselves in an ethical and professional manner. Failure to do so shall, upon a finding to that effect by a majority of the members present, subject such counsel to disciplinary action which may include warning, censure, removal, or a recommendation of contempt proceedings.

(c) There shall be no direct or cross examination by counsel. However, counsel may submit in writing any questions he wishes propounded to his client or to any other witness and may, at the conclusion of his client's testimony suggest the presentation of other evidence or the calling of other witnesses. The Committee may use such questions and dispose of such suggestions as it may see fit.

6.5 *Statements by Witnesses.*—A witness may make a statement, which shall be brief and relevant, at the beginning and conclusion of his testimony. Such statements shall not exceed a reasonable period of time as determined by the Chairman, or other presiding member. Any witness desiring to make a prepared or written statement for the record of the proceedings shall file a copy with the Clerk of the Committee, and in so far as practicable and consistent with the notice given, shall do so at least 72 hours in adbance of his appearance before the Committee.

6.6 *Objections and Rulings.*—Any objection raised by a witness or counsel shall be ruled upon by the Chairman or other presiding member, and such ruling srhall be the ruling of the Committee unless a majority of the Committee present overrules the ruling. In the case of tie votes the rule of the chair will prevail.

6.7 *Lights and Broadcasting.*—(a) A witness may request, on grounds of distraction, harassment, or physical discomfort, that during his testimony, television, motion picture, and other cameras and lights shall not be directed at him, such requests to be ruled on in accordance with Rule 2.4.

(b) No witness subpoenaed by the Committee shall be required against his will to be photographed at any hearing or to give evidence or testimony while the broadcasting of that hearing, by radio or television, is being conducted. At the request of any witness who does not wish to be subjected to radio, television, or still photography coverage, all lenses shall be covered and all microphones used for coverage turned off. So far as is practicable, a witness desiring to make such a request shall so inform the Chief Counsel of the Committee at least 24 hours prior to the time that witness is scheduled to testify.

*Inspection and Correction.*—All witnesses testifying before the Committee shall be given a reasonable opportunity to inspect, in the office of the Committee, the transcript of their testimony to determine whether such testimony wes correctly transcribed. The witness may be accompanied by counsel. Any corrections the witness desires to make in the transcript shall be submited in writing to the Committee within five days of the availability of the transcript. Corrections shall be limited to grammar and minor editing, and may not be made to change the substance of the testimony. Any questions arising with respect to such corrections shall be decided by the Chairman. Upon request, those parts of testimony given by a witness in Executive session which are subsequently quoted or made part of a record shall be made available to that witness at his expense.

6.9 *Persons Affected by Testimony.*—A person who believes that testimony or other evidence presented at a public hearing, or any comment made by a Committee member or Committee counsel, may tend to affect adversely his reputation, may request to appear personally before the Committee to testify on his own behalf, or may file a sworn statement of facts relevant to the testimony, evidence, or comment, or may submit to the Chairman proposed questions in writing for the cross-examination of other witnesses. The Committee shall take such action as it deems appropriate.

6.10 *Contempt Procedures.*—No recommendations that a person be cited for contempt of Congress shall be forwarded to the Senate unless and until the Committee has, upon notice to all its members, met and considered the alleged contempt, afforded the person an opportunity to state in writing or in person why he should not be held in contempt, and agreed, by majority vote of the Committee to forward such recommendation to the Senate.

6.11 *Release of Name of Witness.*—Unless authorized by the Chairman, the name of any witness scheduled to be heard by the Committee shall not be released prior to his appearance before the Committee.

RULE 7. PROCEDURES FOR HANDLING CLASSIFIED OR SENSITIVE MATERIAL

7.1 Committee staff offices on the first floor of the Dirksen Office Building shall operate under strict security precautions. At least one security guard shall be on duty at all times by the entrance to control entry. All persons before entering the offices shall identify themselves. At least one additional security guard shall be posted at night for surveillance of the secure area where sensitive documents are kept.

7.2 Sensitive or classified documents and material shall be segregated in a secure storage area. They may be examined only at secure reading facilities. Copying, duplicating, or removal from the Committee staff offices of such documents and other materials is prohibited except as is necessary for use in, or preparation for, interviews or Committee meetings, including the taking of testimony, and in conformity with Section 9.2 hereof.

7.3 Each member of the Committee shall at all times have access to all papers and other material received from any source. The Staff Director shall be responsible for the maintenance, under appropriate security procedures, of a registry which will number and identify all papers and other material in the possession of the Committee, and such registry shall be available to any member of the Committee.

7.4 Access to classified information supplied to the Committee shall be limited to the Staff Director, the Chief Counsel and the Council to the Minority, and those staff members with appropriate security clearances and a need-to-know.

7.5 No testimony taken including the names of witnesses testifying or material

presented at an Executive Session, or classified papers, and other materials received by the staff or its consultants while in the employ of the Committee shall be made public, in whole or in part or by way of summary, or disclosed to any person outside the Committee unless authorized by a majority vote of the entire Committee, or after the termination of the Committee, in such manner as may be determined by the Senate.

7.6 Before the Committee is called upon to make any disposition with respect to the testimony, papers, or other materials presented to it, the Committee members shall have a reasonable opportunity to examine all pertinent testimony, papers and other materials that have been obtained by the Committee staff. No member shall release any such testimony, papers, or other materials, or any information contained in such testimony, papers, or other materials, to the public or any person outside the Committee unless authorized by a majority vote of the entire Committee, or after the termination of the Committee, in such manner as may be determined by the Senate.

RULE 8. PREPARATION FOR COMMITTEE MEETINGS

8.1 Under direction of the Chairman, the Staff Director, Chief Counsel, Counsel to the Minority, or other designated staff members shall brief members of the Committee at a time sufficiently prior to any Committee meeting in order to assist the Committee members in preparation for such meeting and to determine any matter which the Committee member might wish considered during the meeting. Such briefing shall include a list of all pertinent papers and other materials that have been obtained by the Committee that bear on matters to be considered at the meeting.

8.2 The Staff Director, the Chief Counsel, and the Counsel to the Minority shall recommend to the Chairman and the Vice Chairman the testimony, papers, and other materials to be presented to the Committee at any meeting. The determination whether such testimony, papers, and other materials shall be presented in open or Executive session shall be made pursuant to the rules of the Senate.

RULE 9. STAFF

9.1 The appointment of all staff members and consultants shall be confirmed by a majority vote of the Committee. After confirmation, the Chairman shall certify staff appointments to the Financial Clerk of the Senate in writing.

9.2 Except as otherwise provided by the Committee, the duties of staff and consultants shall be performed, and staff personnel affairs and day-to-day operations, including security and control of classified documents and material, shall be administered under the direct supervision and control of the Staff Director and the Chief Counsel. The Counsel for the Minority shall be kept fully informed regarding all matters and shall have access to all material in the files of the Committee.

9.3 The staff of the Committee shall not discuss either the substance or procedure of the work of the Committee with anyone other than a member of the Committee or other Committee personnel. Upon termination of employment by the Committee, each member of the staff, or consultant, shall surrender all classified and other material relating to the work of the Committee which came into his possession while in the employ of the Committee.

9.4 The employment of any member of the staff or consultant who fails to conform to any of these Rules shall be immediately terminated.

RULE 10. SERVICES, INFORMATION, FACILITIES, AND PERSONNEL OF THE GOVERNMENT; CONSULTANTS

The Chairman shall have the authority to utilize the services, information, facilities, and personnel of the departments and agencies of the government, and to procure the temporary or intermittent services of experts or consultants or organizations thereof to make studies or assist or advise the Committee with respect to any matter under investigation.

RULE 11. REPORTING OF MEASURES OR RECOMMENDATIONS

11.1 No measure or recommendations shall be reported from the Committee unless a majority of the Committee is actually present and a majority of those present concur.

11.2 In any case in which the Committee is unable to reach a unanimous decision, separate views or reports may be presented and printed by any member or members of the Committee.

11.3 A member of the Committee who gives notice of his intention to file supplemental, minority, or additional views at the time of final Committee approval of a measure or matter, shall be entitled to not less than three calendar days in which to file such views, in writing, with the Clerk of the Committee. Such views shall then be included in the Committee report and printed in the same volume, as a part thereof, and their inclusion shall be noted on the cover of the report.

RULE 12. CHANGES IN RULES

These Rules may be modified, amended, or repealed by the Committee, provided that a notice in writing of the proposed change has been given to each member at least 48 hours prior to the meeting at which action thereon is to be taken.

## ANNOUNCEMENT OF POSITION ON VOTES

Mr. STEVENS. Mr. President, on April 23, 1975, I submitted for the RECORD a summary of my position on the votes for H.R. 2166, the tax reduction bill and H.R. 4296, the farm bill. For the permanent RECORD, I would like to correct an error made in this summary. The correct notation for votes No. 92 and 93 should be as follows:

Vote No. 92: Modified Hart unnumbered amendment—nay.

Vote No. 93: Motion to table motion to reconsider the vote by which the modified Hart unnumbered amendment was agreed to—nay.

## THE IMPORTANCE OF LATIN AMERICA

Mr. HUMPHREY. Mr. President, I wish to call to the attention of my colleagues an editorial which appeared in the Washington Post on April 26 entitled, "The Importance of Latin America." Frankly, it is a sorry thing we have to be reminded.

For too long, we have neglected what President Kennedy recognized as our "sister republics"—and when we have dealt with them, it has too often been on the basis of paternalism rather than equality. Yet the good neighbor policy and the alliance for progress remind us that our relations have been—and again can be—warm and constructive. They should occupy a central place in our foreign policy, and they should be conducted with the mutual respect they deserve.

Unfortunately, we have been distracted in recent years by hotter spots, such as Indochina and the Middle East, not to mention our traditional absorption in superpower politics. To be sure it is some measure of our indifference that we have withheld trade preferences across-the-board, despite the fact that countries like Venezuela and Ecuador did not participate in the Arab oil embargo which provoked our action.

Beset by massive social and economic problems, South America continues in ferment. We should not wait to be confronted with revolution and crisis. Rather, we should anticipate and encourage progress and peaceful change. We might begin by supporting a new and fair Panama Canal Treaty, by seriously reevaluating the present policy of sanctions on Cuba, and by forswearing interference in internal affairs, which has had such serious repercussions in Chile and Honduras.

Clearly, the mere visit of Secretary Kissinger cannot substitute for the substantive reassessment and improvement of our attitudes and policies. Latin America is coming of age; so should America. Perhaps for our bicentennial we should establish a new corollary to the Monroe Doctrine, that Latin America be protected not only from European excesses but from our own as well.

Mr. President, I ask unanimous consent that the excellent Post editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE IMPORTANCE OF LATIN AMERICA

It is regrettable but not disastrous that the Indochina crisis should have forced Secretary of State Kissinger to postpone yet again his long-scheduled trip to Argentina, Brazil and Venezuela. The trip would surely have enhanced the secretary's understanding of a region of far more critical and enduring importance to the United States than Indochina. And it would have given his hosts the opportunity to get what Latins perennially feel is a commodity in short supply—the high level attention of the U.S. government. Yet the visit of an American Secretary of State, even one who is a celebrity, is not something that would turn the heads of thoughtful Latins. They will wish to see what else of a serious nature in Latin-U.S. relations is going on.

The chief political task of American policy in the hemisphere is, plainly, to move beyond the arrogance and paranoia that led American officials to think it was not only appropriate but necessary to "destabilize" the elected governments of Chile in 1970-73. Since some of the same key officials, including Dr. Kissinger, are still in posts of responsibility, this is no small task. Optimists might hope that the newly heightened public and congressional vigilance over the CIA and the agency's own announced reforms, are enough to forestall another "Chile." Pessimists will remain skeptical, at least until the test of the next Chile is met.

Meanwhile, the developing emphasis of U.S. policy on treating Latin countries individually, rather than as look-alike members of a hemispheric collective, is a healthy sign. This new emphasis fits the reality that Latins are different. It fits the current Latin inclination to take a step away from the old notion of a hemispheric "community." And if deepened, it should free American policymakers from the insidious idea that what happens in one corner of Latin America will also happen in other corners. It is precisely this idea that led Washington to fear that Cuba and Chile, in their respective times would contaminate the rest of the region.

Ad Hoc Staff
75-569

8 May 1975

MEMORANDUM FOR: Members of the USIB Ad Hoc Coordinating Group

SUBJECT : Security Clearances

Sen Study . 75

The following is a listing of 12 additional Senate Select Committee Staff members and official stenographers (*) who have received a security investigation by the Federal Bureau of Investigation within the past five years and are certified by Mr. William G. Miller, Staff Director of the Senate Select Committee, by letter dated May 6, 1975, as meeting the requirements of Executive Order 10450 for access to classified information up to and including Top Secret.

| Name | Date & Place of Birth | | Soc. Sec. No. |
|---|---|---|---|
| *C. Harold Brown | 6/6/38 | Ohio | 278-34-3428 |
| *Wayne Birdsell | 5/2/06 | D.C. | 578-03-1841 |
| Anne Karalekas | 11/6/46 | Mass. | 023-36-4329 |
| *Mary Lynch | 3/16/26 | W. Va. | 250-38-1344 |
| Robert Kelley | 10/29/40 | Ind. | 559-54-1348 |
| Paul Wallach | 5/24/47 | N. Y. | 149-36-2999 |
| Lester Seidel | 7/17/44 | D.C. | 216-38-5204 |
| *Frank Shelburn | 5/30/13 | Va. | 338-24-6934 |
| *Robert Thomas | 12/16/25 | Md. | 219-14-5186 |
| Gregory Treverton | 1/21/47 | Colo. | 524-62-2459 |
| William Truehart | 12/18/18 | Va. | 225-20-6411 |
| *Fred Ward | 11/20/40 | D.C. | 225-50-9983 |

62-116395-

NOT RECORDED
15 MAY 13 1975

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP-2 ALM 1276
#MOR16

Jack E Thomas
for John M. Clarke
Associate Deputy to the DCI
for the Intelligence Community

5-End

File 62-116395

84 MAY 14 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

TO : MR. W. R. WANNALL

FROM : MR. W. O. CREGAR

SUBJECT: SENSTUDY 75

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1-Mr.J.B.Hotis)

DATE: May 14, 1975

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
Ident. ____
Inspection ____
Intell. ____
Laboratory ____
Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

My memorandum to you 5/13/75 furnished highlights of information relating to an interview by a Senate Select Committee (SSC) Staff Member of retired SA Alan G. Sentinella, as obtained by Supervisor Seymor Fred Phillips of the Bureau's Senstudy 75 Special Project.

At 11:20 a.m. 5/14/75 Sentinella telephonically contacted Phillips from Atlanta, Georgia, and advised that he had been telephonically contacted earlier on the morning of 5/14/75 by SSC Staff Member Lester B. Seidel who had interviewed him 5/12/75. Seidel told Sentinella that he is being subpoenaed to give sworn testimony before an Executive Session of the SSC 9:30 a.m. Wednesday, 5/21/75. The testimony is to be given in Room G-308, New Senate Office Building. In response to specific questions from Sentinella, Seidel advised Sentinella that he will be reimbursed expenses, that his presence will probably be needed for only one day, and that the purpose is to essentially go over the material covered when Seidel interviewed Sentinella 5/12/75. Seidel asked Sentinella who had taken over the case concerning Levison (Stanley David Levison, former consultant to Martin Luther King, Jr., who was under Bureau investigation because of his communist background) in Atlanta when Sentinella left. Sentinella furnished Seidel the name of SA Richard Hamilton.

REC-100 62-116395-148

Sentinella asked Phillips for assistance of the nature he received when he was interviewed; that is, someone from the Bureau to render guidance relative to any sensitive areas that might be touched upon. He furnished the following as his telephone numbers in Atlanta, all area code 404.

| | |
|---|---|
| Office: | 658-2167 |
| | 658-2168 |
| | 658-2170 |
| | 658-2119 |
| Residence: | 475-5327 |
| | 475-7816 |

CONTINUED - OVER

MAY 27 1975

62-116395
1 - 67-432832 (Personnel File Former SA Alan G. Sentinella)

SFP:ekw



84 MAY 28 1975

Memorandum to Mr. W. R. Wannall
RE: SENSTUDY 75
62-116395

In accordance with established procedure, Sentinella was advised that he would be contacted by someone from the Office of the Legal Counsel who will make arrangements for a Bureau representative to be available for consultation should Sentinella's testimony involve sensitive areas of inquiry. Sentinella indicated his intention of arriving in Washington, D. C., late in the afternoon or in the evening of the day preceding his testimony.

<u>ACTION:</u>

Refer to Legal Counsel so that someone from that Office may get in touch with Sentinella in accordance with the foregoing.

wrw

PLM

Mr Sentinella advised 4:30 PM 5/19/75 that Bu representative would be available for consultation prior to his interview. R70

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MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1 - Mr. P. V. Daly)

TO : Mr. J. B. Adams

DATE: 5/16/75

FROM : W. R. Wannall

1 - Mr. W. R. Wannall
1 - Mr. J. G. Deegan
1 - Mr. R. L. Shackelford
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

SUBJECT: SENSTUDY - 75

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
Gen. Inv. ____
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Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/9/01 BY SP-2ALM/TAM

This informative memorandum is to report briefing of Senate Select Committee (SSC) Staff Members on informant matters by INTD personnel.

At the request of the SSC Staff, a briefing session was held in my office from 8:50 a.m., to 10:50 a.m., 5/16/75. Representing the SSC were Staff Members Mark Gitenstein and Thomas Dawson. In addition to myself, present from the INTD were Deputy Assistant Director H. E. Helgeson, S. F. Phillips of SENSTUDY - 75 Staff, and Unit Chiefs E. P. Grigalus (IS-2 Section), and H. A. Newman, Jr. (IS-1 Section). Also present was Supervisor J. D. Miller of the Legal Counsel's Office.

SSC Staff Members had previously reviewed Sections 107 (Part I - Security Informants) and 130 (Extremist Informants) of the Manual of Instructions and the purpose of the briefing was to go over these Sections and answer the visitors' questions and clarify doubtful areas. Such matters as the following were covered: Terminology regarding confidential sources, potential security informants and security informants; means for approving informants; payments to informants both on SAC approval and FBIHQ approval; converting of potential informants to informants; establishing reliability; assignment of symbol numbers; distinction between permanent and temporary symbol numbers; use of FD-401 for semiannual reports on informants; use of FD-405 for monthly and quarterly reports on informants. Also covered were: Use of informants in COINTELPRO; entrapment and agent provocateur aspects; movement of informants between field office territories; channelizing memoranda; handling of informants after determined to be unreliable; and inspectors' role relating to informants at field level.

REC-100 62-116395-141

Mr. Gitenstein, who was the senior member of the SSC team present, indicated satisfaction with the results of the briefing and that all their inquiries had been answered. He made

16 MAY 27 1975

62-116395

CONTINUED - OVER

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(9)

84 MAY 27 1975

Memorandum to Mr. J. B. Adams
Re: SENSTUDY - 75
62-116395

a very cogent observation concerning the FBI's handling of informants. The SSC Task Force he is on is studying informant matters in various intelligence community agencies including the FBI. He stated that they had found the FBI as so much far superior to other agencies that they considered the FBI as the standard for all law enforcement. He cited specifically the finding that the Internal Revenue Service and the Bureau of Alcohol, Tobacco and Firearms as very weak in informant aspects.

It is believed that the visitors found the briefing most productive, as they themselves stated that briefings such as this one will be very helpful to the SSC in its work; and promote friendly and businesslike relations between the SSC and the Bureau.

ACTION:

None. For information.

PLM

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MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
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Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Legal Coun. ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

TO :Mr. McDermott

DATE: 5/9/75

FROM :J. C. Farrington

Select Committee of the Senate

SUBJECT:SENATOR GARY HART (D-COLORADO)
REQUEST FOR FBI DATA ON HIM UNDER THE
FREEDOM OF INFORMATION ACT (FOIA)

We received this afternoon, 5/9/75, from Mrs. Susan M. Hauser of the Deputy Attorney General's Office, the following data: 1) informal note from Doug Marvin to the Deputy Attorney General re: Senator Hart's meeting with the Attorney General 5/6/75; 2) letter to Senator Hart by the Attorney General dated 5/7/75 advising that Hart's oral request for access to his FBI file will be treated as coming under the FOIA; and 3) a memorandum from for files dated 5/6/75 that appears to have been dictated by the Attorney General in which he sets forth pertinent information concerning his meeting with Senator Hart. The Attorney General points out that he will treat Hart's oral request as coming under the FOIA although he did not know whether the Senator should in fact make this request in writing (actually, the Code of Federal Regulations, of course, points out that FOIA requests must be in writing).

According to the Attorney General's memorandum, Senator Hart indicated that he was not trying to make a particular point and did not want to go to court, but rather felt it would be helpful to members of the Senate Select Committee, who wanted to do it, to see what an FBI file was like, and he felt that by seeing his own file it would raise less problems than trying to see someone else's file.

In view of the Attorney General's letter to Senator Hart of 5/7/75 advising him that his oral request will be processed under the FOIA, the FOIA Section will immediately institute the processing of this request. However, unless advised to the contrary, it is intended that Senator Hart's request will be put in chronological order and will receive no special treatment. It should also be noted that Senator Hart is under the mistaken belief that as a Senator, and particularly as a member of the Senate Select Committee, he could receive an FBI file on a third

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DATE 1/19/01 BY SP2 ALM/AT6

62-116395-

Ack Legal Counsel

1 - Mr. McDermott - Enc.
1 - Mr. Mintz - Enc.
1 - Mr. Wannall - Enc.
Atten: Mr. Cregar
1 - FOIA Section - Enc.

JCF:law (7)

ENCLOSURE

LEGAL COUNSEL

CONTINUED - OVER

J. C. Farrington to Mr. McDermott memo
Re: Senator Gary Hart

party and be allowed to look at it. This, of course, is not correct and we would advise Senator Hart the same as any other requester making a similar request that we would need authorization from the third party involved prior to releasing any data we may have to the Senator.

Senator Hart is a new Senator serving his first term. He was the campaign manager of Senator McGovern's 1972 Presidential campaign.

RECOMMENDATION:

For information.

P

I feel his request is as a member of the Committee rather than under FOI. Suggest he be contacted, informed of prevailing conditions & then [illegible] [illegible] course is indicated through [illegible] response.

J

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. J. B. Adams
2 - Mr. J. A. Mintz
(1-Mr.P.V.Daly)

TO :MR. W. R. WANNALL

DATE: May 13, 1975

1 - Mr. E. W. Walsh
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

FROM :MR. W. O. CREGAR

SUBJECT: SENSTUDY 75

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
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Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

This informative memorandum to record highlights of information relating to an interview by Senate Select Committee (SSC) Staff Member of retired SA Alan G. Sentinella, as obtained by Supervisor Seymor Fred Phillips of the Bureau's Senstudy 75 Special Project.

Pursuant to Bureau instructions, Phillips went to Atlanta, Georgia, to fulfill the request of Sentinella for the presence of a Bureau Agent at the time Sentinella was to be interviewed on 5/12/75 by SSC Staff Member Lester B. Seidel. Sentinella is presently Safety Director, Georgia State University, Atlanta. He has been retired from the FBI for about four years and in the period around 1964-66 he did work on the investigation of Martin Luther King, Jr., and for a time, the King case as well as that of King's organization, the Southern Christian Leadership Conference, was assigned to him. Sentinella had been told in advance by Seidel that he was to be interviewed concerning King and Levison (Stanley David Levison, former consultant to King who was under Bureau investigation because of his communist background).

Phillips was in Sentinella's private office at 12:24 p.m. when Seidel arrived. Sentinella explained to Seidel that after Sentinella had agreed in a telephone conversation with Seidel 5/9/75 to being interviewed, he (Sentinella) contacted the Atlanta FBI Office because Sentinella was concerned with the sensitivity of the information he knew about King and Levison and wanted to protect the confidentiality of his information and the Bureau's interests, especially as pertaining to current investigations, sources, etc. Sentinella explained to Seidel that the FBI offered to have an Agent present, not to monitor the interview, but for consultation purposes should the interview reach into sensitive areas. Sentinella thus accounted to Seidel for Phillips' presence. At this point, Phillips reiterated the reasons given by Sentinella for the presence of an FBI Agent and Seidel was told that Phillips' presence was definitely

62-116395

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CONTINUED - OVER

1 - 67-432832 (Personnel File Former SA Alan G. Sentinella)

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REC-108 62-116395-146

16 MAY 27 1975

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Memorandum to Mr. W. R. Wannall
RE: SENSTUDY 75
62-116395

not intended to have any chilling effect on Seidel's interview and that Phillips was there only upon Sentinella's request and for the purposes indicated. Phillips then retired to an adjoining room.

Sentinella consulted with Phillips on only one occasion. At about 1:45 p.m. he came to Phillips' adjoining office and said that Seidel's current questioning was concerning the make-up of the squad Sentinella was assigned to around 1965. This squad handled security, racial, and civil rights matters and Seidel was apparently seeking information as to the parameters of these types of investigations and what they entailed. At this point Phillips joined Seidel and Sentinella and offered the following in possible assistance to Seidel. Phillips explained that the various Sections of the Bureau Manuals dealing with these types of investigations had been made available to the SSC and insofar as the security Sections were concerned, there was presently being processed at the Bureau superseded Sections dating back to 1960 to be made available to the SSC. At this point Seidel stated he was not so much interested in what the Manuals said but actually wanted Sentinella, to the best of his recollection, to furnish names of individuals and organizations under investigation in Atlanta during the pertinent period. Sentinella refused to name any, stating that he had no idea as to what might be under current investigation or how his furnishing of information now might affect current Bureau's interests. Sentinella also told Seidel that he, Sentinella, was not so naive as to believe that his information might not appear in the press. Seidel immediately said that he would furnish no information to the press. Sentinella then said that he was not intimating that Seidel would be responsible, but that the information might still be publicized and that once Sentinella gave the information it fell completely out of his control. Seidel indicated that Sentinella might be required through subpoena to testify before the SSC and be asked the same question. Sentinella responded that his answer before the Committee would be the same. Phillips indicated to Sentinella that if he desired to consult with Phillips concerning the names of any investigations Sentinella recalled, Phillips would assist him by indicating, if he knew, whether they were of current FBI interest. Sentinella desired no such help and insisted to Seidel that he did not desire to name the subjects of prior investigations. This interlude in the formal interview lasted about 10 minutes after which Phillips returned to the adjoining room.

At 2:20 p.m. the interview ended and Phillips was taken by Sentinella back into the latter's office where Seidel said he was leaving and wanted to say good-bye. Phillips alluded to the interview having been completed to which Seidel responded, and these are to the best of Phillips' recollection, Seidel's exact words, "Yes, you're not letting him give us the good information." Immediately upon hearing this statement from Seidel, Phillips interjected a strong protest by stating to Seidel that neither Phillips nor the FBI was keeping Sentinella from giving any information; that the FBI has not injected itself in Sentinella's decision to give or not give information. Seidel responded with a statement to the effect that the result is the same -- Sentinella is not giving the good information. Phillips again responded by telling Seidel that irrespective of the latter's opinion, Phillips wanted the record crystal clear that Sentinella has not been counseled by Phillips or anyone else in the FBI as to what he should or should not tell Seidel. Sentinella interrupted to express his loyalty to the Bureau as well as his respect for the confidentiality of his relationship with the Bureau and its work. He told Seidel that he did not intend to be a talkative, discontented former FBI employee as apparently are some of the sources being consulted by the SSC. Sentinella pointed out that he himself had been the subject of disciplinary action by the Bureau but that it had made him a better Agent and that it in no way would influence his loyalty and responsibility to the Bureau. Seidel then left.

After Seidel's departure, Sentinella stated it was his personal desire to dictate a lengthy question and answer type statement of the entire interview while it was fresh in his mind as he had not taken any notes. He said he preferred to handle this with his own secretary whom he trusts implicitly and has pledged to maintain this information confidential. Sentinella advised that he would have the typing of the statement completed the following day and would immediately make a copy available to Atlanta SAC DeBruler for transmittal to Bureau Headquarters. At Sentinella's invitation, Phillips sat in on the dictation of practically the entire statement as a means for Sentinella briefing Phillips on the details of the interview. Instant memorandum is not intended

to summarize these details which will be forthcoming with Sentinella's statement to be mailed to the Bureau. However, one significant question asked of Sentinella should be noted. During a discussion of electronic surveillances in the King investigation, Seidel asked how other Agents felt about "illegal use of taps." Sentinella's response was that the taps were not illegal and were put on only after approval by the Attorney General.

OBSERVATIONS:

It is Phillips' view that Sentinella represents a high caliber former Agent who is completely loyal to the Bureau and will apparently go to any extreme to maintain the confidentiality of the work he did. He certainly could be described as a reluctant witness if he is ever called to testify. He expressed personal concern that he might be called but hoped that his uncooperativeness in some areas to Seidel's questions might discourage his being called.

Two incidents related above are very suggestive of a lack of objectivity on the part of Seidel. The first concerns his comment to Phillips about the FBI not letting Sentinella give him "good information." To begin with, this was an unjustified allegation and Seidel was set straight immediately after his remark. Secondly, the mere fact that Seidel is referring to "good" information suggests itself that certain information fits their desires and others does not. There appears to be a lack of regard for merely securing the facts, regardless of what those facts might indicate. The second indicator of lack of objectivity was Seidel's inquiry about "illegal use of taps." This question fits the classic question of, "When did you stop beating your wife?" If the Committee is going to be asking questions like this one, its objectivity is certainly subject to challenge.

As ex- or current employees volunteer to us results of interviews conducted of them by the SSC, we will carefully study them for, among other things, additional evidence of the nature discussed above. If there is a continuation of this line of questioning or other unjustified comments to Bureau representatives, we will consider taking up with the Attorney General the matter of possible protest to the SSC.

Memorandum to Mr. W. R. Wannall
RE: SENSTUDY 75
62-116395

RECOMMENDATION:

This memorandum is for the immediate information of Bureau officials. When the detailed statement of Sentinella is received, we will prepare an LHM for the Attorney General with a copy for possible forwarding to Mr. James Wilderotter, Associate Counsel to the President. This is the procedure we have been following when former Agents have volunteered to us the results of interviews of them by the SSC.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
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Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. J. B. Adams DATE: April 23, 1975

FROM : W. R. Wannall

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-19-01 BY SP2 ALM/ ...

SUBJECT: SENSTUDY 75
~~FORMER SUPERVISOR~~ LISH WHITSON
ASSIGNED INTELLIGENCE DIVISION

By memorandum captioned as above submitted earlier today, I advised you of a telephone call received 4/22/75 from former Special Agent Whitson. He had called to advise that he had been requested to appear for interview by Michael Epstein, staff member of the Senate Select Committee.

At 2:50 p.m. today (4/23/75) Mr. Whitson called at my office and said that he had just been interviewed by Mr. Epstein and was desirous of reporting the results.

Epstein first asked Whitson when he entered the Bureau, when he first arrived for assignment at Headquarters, to what Headquarters Division he had been assigned, and when he retired. Epstein then said that he knew that Whitson had at one time mailed a package to Mrs. Martin Luther King from Tampa, Florida, and asked Whitson to relate the details concerning this matter. Whitson thereupon told him that in the late Summer of 1964 former Assistant to the Director William C. Sullivan had telephoned Whitson at his home one Saturday and told him that former Director Hoover wanted Whitson to deliver a package to Miami, Florida, by plane and on arrival at the Miami Airport to telephone Sullivan for further instructions. Whitson did as directed and upon calling Sullivan was instructed to address the package to Mr. Martin Luther King. Accordingly, Whitson had the package weighed, put stamps on it, and addressed it to Martin Luther King (not Mrs. Martin Luther King as Epstein had indicated). The following day, Sunday, Whitson flew back to Washington. The next day, Monday, he informed Sullivan that his instructions had been carried out and Sullivan commented "Someday I will tell you about that."

REC-100 62-116395-145

Epstein asked him who had paid for the stamps to mail the package and Whitson said that he had probably done so utilizing per diem money. Epstein asked whether he had put a return address on the package and Whitson replied in the negative. Epstein asked if Whitson had gone to the Miami Office, whether any Agent had met him at the -

WRW:lml (6)
1 - Mr. Adams
1 - Mr. Mintz
1 - Mr. Cregar
1 - Mr. Wannall
1 - Personnel File of SA Lish Whitson (Out of Service)

16 MAY 27 1975

CONTINUED - OVER

84 MAY 27 1975

Miami Airport, or whether Whitson had discussed this with anyone. Whitson advised Epstein that he had not gone to the Miami Office, that no Agent had met him, and that he had discussed the matter only with Sullivan. At this point, Whitson asked Epstein how he got the story. Epstein merely laughed and did not reply to the question.

The foregoing represents the information furnished to Epstein by Whitson. Whitson made the following additional comments and observations.

When Sullivan told Whitson he wanted him to fly the package to Miami, he stated that only he, Sullivan, Mr. Hoover, Mr. Tolson, and Mr. Belmont knew of this situation. Sullivan never did explain to Whitson anything more regarding this incident. Sullivan did during Whitson's anniversary celebration in 1968 in Sullivan's office refer to Whitson as "a real pro who knows how to carry out an assignment," and further commented that someday he would tell Lish about the assignment to which he had referred in his remarks.

Whitson said that when he arrived at the North Terminal of National Airport, following Sullivan's telephonic instructions, a young man who was unknown to Whitson but who addressed him as "Mr. Whitson" turned a package over to him which was wrapped in brown paper and sealed with sealing tape. It is Whitson's recollection the package measured approximately 8 inches by 8 inches by 1 inch.

It is Whitson's recollection that at the time the foregoing occurred, Martin Luther King was either just about to go abroad to receive the Nobel Peace Prize or probably had already gone abroad. It was Whitson's further recollection that sometime shortly after the mailing of the package Sullivan commented to Whitson that the package had not yet been received by Martin Luther King. Because of this remark, Whitson is of the belief that the package was mailed to Martin Luther King at the headquarters of the Southern Christian Leadership Conference and not to Mr. King at the latter's home. Further, it was Whitson's recollection that it was not long after he had mailed the package that Martin Luther King had a personal meeting with former Director Hoover in Mr. Hoover's office.

Whitson stated that during the interview Epstein asked Whitson if he had ever written a memorandum regarding this matter, to which Whitson replied in the negative. He was also asked by Epstein if he had ever seen a memorandum on this and Whitson again replied in the negative. Whitson observed that in his opinion the information which was in the possession of Epstein prior to his interview with



CONTINUED - OVER

Memorandum to Mr. Adams
Re: SENSTUDY 75
FORMER SUPERVISOR LISH WHITSON
ASSIGNED INTELLIGENCE DIVISION

Whitson must have originated with W. C. Sullivan. Whitson noted that Mr. Hoover and Mr. Tolson are both deceased and that he has heard nothing indicating Mr. Belmont has been contacted by members of the staff of the Senate Select Committee. One other factor that causes him to feel that Sullivan was the source of the information was a question Epstein raised as to whether Whitson had put a return address on the package when he addressed it to Martin Luther King. Whitson said he recalls that when he was in Miami and received the telephonic instructions from Sullivan, Sullivan told him that he should put a return address on the package and Whitson pointed out that if he did so and the name of the addressee became smeared the package would end up at someone's return address rather than in the dead letter office. Sullivan concurred that no return address should be used. Thus, Sullivan would probably have reason to have commented regarding the use or nonuse of a return address.

Whitson stated that in the event he is called again to be interviewed by anyone connected with the Senate Select Committee, he intended to notify the Bureau beforehand and would appreciate it if the Bureau would consider having someone present during the interview, if this could be arranged, since he recognizes an obligation not to reveal FBI information contrary to regulations issued by the Attorney General. Appreciation was expressed to Mr. Whitson for his volunteering the foregoing information.

This is the first instance which has come to our attention indicating staff members of the Senate Select Committee are proceeding with interviews of former Agents. I have discussed this matter with Mr. Mintz and he and I feel it would be appropriate to furnish an abstract of the interview of Whitson by Epstein to the Ad Hoc Coordinating Group of the Intelligence Community in order that interested agencies will be aware of the procedures presently being followed by the Select Committee and of the Committee's interest in matters other than jurisdictional bases. All Committee requests to us have thus far been confined to the latter.

ACTION:

If approved, an abstract will be provided for the records of the Ad Hoc Coordinating Group.

We are preparing LHM for AG and WH (Counselor?) If Dept. concurs? [initials]

Suggest the abstract be paraphrased to avoid disclosure of the identity of the addressee of the envelope. [signature]

Per [initials]

1 - Mr. J. B. Adams
2-- Mr. E. W. Walsh
(1 - Movement)
2 - Mr. J. A. Mintz
(1 - Mr. J. B. Hotis)
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

CODE TELETYPE URGENT

May 16, 1975

TO SAC NEWARK

FROM DIRECTOR FBI (62-116395)

SENSTUDY 75

REBUTEL MAY 2, 1975.

SECRETARIES MARY ANN MASSA AND M. ANN MIERZEJEWSKI OF YOUR OFFICE HAVE BEEN REQUESTED TO APPEAR FOR INTERVIEWS UNDER OATH BY THE SENATE SELECT COMMITTEE (SSC) AT 2 P.M., TUESDAY, MAY 20, REPEAT 20, 1975. YOU ARE TO ADVISE BOTH I AM WAIVING THEIR EMPLOYMENT AGREEMENTS ONLY TO THE EXTENT OF PERMITTING THEIR DISCLOSURE OF INFORMATION RELATING TO DUTIES PERFORMED BY THEM JULY - SEPTEMBER, 1964, IN CONNECTION WITH FBI WORK AT DEMOCRATIC NATIONAL CONVENTION, ATLANTIC CITY, NEW JERSEY.

EMPLOYEES ARE TO REPORT TO J. B. HOTIS OR P. V. DALY OF LEGAL COUNSEL'S OFFICE, ROOM 4513, JUSTICE BUILDING, BETWEEN 11 A.M. AND NOON MAY 20, FOR CONSULTATION PRIOR TO 2 P.M. APPEARANCES. THEY MAY PLAN TO RETURN TO NEWARK SAME DAY. FBI REPRESENTATIVE WILL BE AVAILABLE FOR CONSULTATION DURING INTERVIEWS BUT WILL NOT BE PRESENT DURING INTERVIEWS.

REC-100 62-116395-144

1 - 67-538691 (Personnel file Mary Ann Massa)
1 - 67-581180 (Personnel file M. Ann Mierzejewski)

16 MAY 23 1975

SFP:PVD:eek
(12)

SEE NOTE PAGE 2

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
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Comp. Syst. ____
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Gen. Inv. ____
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Inspection ____
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Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
MAY 16 1975
TELETYPE

MAIL ROOM [ ] TELETYPE UNIT [✓]

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84 MAY 27 1975

GPO 954-546

ISSUE GTR'S FOR TRANSPORTATION AND TRAVEL VOUCHERS FOR EXPENSES.

DIRECT ANY QUESTIONS REGARDING THIS MATTER TO LEGAL COUNSEL'S OFFICE.

NOTE:

Referenced teletype advised all offices of procedures to follow if present or former employees contacted by SSC for interview. These two secretaries were on a Special Squad at Atlantic City, New Jersey, in connection with the Convention in 1964. The SSC Staff known to have already interviewed two former Agents assigned to that squad. Instructions herein pursuant to Mr. Mintz's direction. F. A. O. Schwartz, Chief Counsel to the Senate Select Committee advised that the Committee would reimburse the employees' expenses incurred for transportation, etc., relating to their testimony for the Commission. This matter has been coordinated with L. Clyde Groover, of the Administrative Division.

FVD/
Teal

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
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Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams

DATE: 5/9/75

FROM : Legal Counsel

SUBJECT: SENSTUDY 75

At approximately 2:35 PM, Mr. Allen G. Sentinella telephonically advised that he retired from the Atlanta Office in 1971, and is currently employed at Georgia State University, Atlanta, Georgia. Sentinella said he had just been contacted by an individual who identified himself as Lester Seidel of the Senate Select Committee. Seidel desires to interview Sentinella on Monday, May 12th, concerning the Martin Luther King and Levinson cases.

Sentinella stated that while assigned to the Atlanta Office he handled the dissemination of information received from informants during our investigation concerning the communist infiltration of the SCLC. Sentinella said he recalled very little concerning this investigation and gave his assurances that he would not divulge any confidential information.

Sentinella asked whether or not he should retain private counsel and he was informed if he felt it necessary, he should do so. He was further informed that his interview was entirely voluntarily and he had no obligation to submit to interview. Mr. Sentinella gave his office telephone number as Area Code 404-658-2167, 2168 or 2170 and his home phone number as Area Code 404-475-5327.

62-116395-143

REC-100

RECOMMENDATION: For information.

16 MAY 27 1975

1 - Mr. Adams
1 - Mr. Wannall
1 - Mr. Creager
1 - Mr. Mintz
1 - Mr. Hotis

RFO:mtm
(6)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2

SA Seymour Phillips Div 5 to be available in Atlanta for any interviews for consultation re sensitive matters

SBA
Per

5-WOB

84 MAY 27 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

1 - Mr. J. B. Adams
1 - Mr. T. J. Jenkins
1 - Each Assistant Director

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
Admin. ____
Comp. Syst. ____
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Files & Com. ____
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Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. W. R. Wannall

DATE: 5/19/75

FROM : W. O. Cregar

1 - Mr. W. O. Cregar

SUBJECT: SENSTUDY - 75

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/19/01 BY SP2 ALM/JTC

Attached is a copy of a letter to the Attorney General dated 5/14/75, from Senator Frank Church, Chairman, U. S. Senate Select Committee (SSC) with appendices A thru D.

Appendix A, entitled "Documents Pertaining to the Committee's Prior Requests," consists of 10 requests most of which have been already responded to or, in the instances of requests numbers 4, 7, 8 and 9, are the responsibility of the Department of Justice. Item 6 has been previously referred to the White House. Appendices B, C, and D, contain numerous "new" requests which are extremely broad in their definition, often ambiguous in meaning and contain many instances where they seem to be parallel to and overlap previous requests.

On 5/16/75, a conference was held in the Intelligence Division between representatives of the INTD SENSTUDY Staff and Departmental representatives Messrs. Robert McDermott and K. William O'Connor. Mr. McDermott is on the staff of the Deputy Attorney General and has been active in coordinating SSC matters. He is being replaced in this capacity on 5/19/75 by Mr. O'Connor, Deputy Assistant Attorney General in the Civil Rights Division. Mr. O'Connor advised that the Deputy Attorney General, Judge Tyler and White House representative James Wilderotter were both greatly concerned about the requests contained in the May, 14, letter. They felt that the requests were much too broad and placed much too great a burden on the Department and the FBI to be forthcoming. Mr. O'Connor felt that the requests clearly indicated an intention of the SSC to gain access to FBI "raw files" while not actually stipulating this point. In this regard you will note that Page 3 of the May, 14, letter defines the SSC request for "memoranda and other materials" as meaning 'all documents relating to the subject matter requested and are to include (but are not limited

REC-106 62-116395-142

18 MAY 27 1975

62-116395

EWL:cmc
(17)

CONTINUED - OVER

5-8

84 MAY 27 1975

to) reports, letters, correspondence, airtels, LHMs, inserts, executive conference memoranda, 302s, Assistant Director memos, notes, routing slips, etc." This letter, also on Page 3, recognizes that the request is substantial but urges the executive agencies to apply sufficient manpower and attention to enable prompt responses. Prompt response is defined by the Committee as having most of the material available within 10 days and all of it shortly thereafter. Mr. O'Connor advised that he was aware that the imposition of such a condition upon the responses created an impossible task. He advised that on Monday, 5/19/75, he would contact SSC Chief Counsel F. A. O. Schwarz calling attention to this time factor and also the often broad and ambiguous manner of many of the requests appended to the May, 14, letter. Mr. O'Connor hopes to negotiate these requests as well as the conditions attached to the responses by the SSC to the end that the requests are more narrowly defined and that the deadline imposed by the Committee be relaxed to a more realistic time frame.

Pending receipt of results of Mr. O'Connor's intercession with SSC we are proceeding with an analysis of the SSC's requests and attempting to separate components for specific assignments to appropriate divisions within FBIHQ so that our responses may be forthcoming in as coordinated and timely a fashion as possible.

ACTION:

None. For information purposes.

JOHN G. TOWER, TEXAS, VICE CHAIRMAN
PHILIP A. HART, MICH.  HOWARD H. BAKER, JR., TENN.
WALTER F. MONDALE, MINN.  BARRY GOLDWATER, A[redacted]
WALTER D. HUDDLESTON, KY.  CHARLES MC C. MATH[redacted]R., MD.
ROBERT MORGAN, N.C.  RICHARD S. SCHWEIK[redacted]
GARY HART, COLO.

WILLIAM G. MILLER, STAFF DIRECTOR
FREDERICK A. O. SCHWARZ, JR., CHIEF COUNSEL
CURTIS R. SMOTHERS, MINORITY COUNSEL

# United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

May 14, 1975

#MOR16
ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2 ALM/JTG

RECEIVED
OFFICE OF THE ATTORNEY GENERAL
MAY 15 1975

The Honorable Edward H. Levi
The Attorney General
Washington, D. C. 20530

Dear Mr. Attorney General:

The purpose of this letter is to review with you the status of the Select Committee's outstanding requests to your Department and to set out several new areas in which the Committee is requesting either staff access to documents or copies of documents for its own files.

In the matter of the outstanding requests the chronology is as follows:

You will recall that I wrote to you on March 19, setting out five areas pertaining to the FBI in which the Committee was initially interested. Although we have had partial compliance with the request, that process is not yet complete.

In addition, on April 21, Mr. Schwarz, Chief Counsel of the Committee, met with the Deputy Attorney General about the March 19 letter and about the establishment of liaison between your Department and the Committee.

On April 23, Mr. Schwarz wrote to the Deputy Attorney General a letter reflecting that meeting, clarifying the March 19 request on the matter of intelligence techniques, and making a further request pertaining to the Internal Security Division.

Mr. Schwarz also wrote the Deputy Attorney General and the FBI Director a memorandum on April 30 requesting that Committee staff members be permitted access to certain documents falling within the scope of the March 19 request.

On April 28, I wrote to you concerning the so-called "Official and Confidential" files of the FBI.

ENCLOSURE

62-116395-142

The Committee has not yet received a formal response to those letters. Appendix A sets out those documents which have not yet been supplied to the Committee pursuant to the March 19 letter and follow-up correspondence.

On the second matter, that is, the request for copies of additional documents (and for staff access to others), the Committee's interest falls into roughly three areas pertaining to the activities of the FBI and the Department of Justice:

First, the Committee has been made aware of additional documents that are analogous to the background requests made in the First Document Request. These documents are set out as Appendix B.

Second, the Committee is concerned about several programs or studies pertaining to specific intelligence or counterintelligence activities of the FBI. S. Res. 21 specifically requires the Committee to investigate "the conduct of domestic counterintelligence operations against United States citizens" by the FBI. Therefore, the Committee must conduct an exhaustive investigation of the so-called "COINTELPRO" programs as well as miscellaneous other incidents which have come to our attention. S. Res. 21 also specifically requires the Committee to investigate all aspects of the so-called "Huston Plan". Further requests pertaining to these matters are set out as Appendix C.

Third, we are interested in allegations pertaining to electronic surveillance generally, electronic surveillance of the so-called "17 government officials and journalists" in 1969-71 by the FBI, electronic surveillance and other intelligence activities directed at Dr. Martin Luther King, Jr., and electronic surveillance and other intelligence activities at the Democratic National Convention in Atlantic City, New Jersey, in the summer of 1964. Requests pertaining to these subjects are set out as Appendix D.

In setting out certain specific documents in the Appendices, the Committee does not change its position that the original request of March 19 was general in scope and designed to encourage the Justice Department and the FBI to provide us with documents pertaining to the legal authority and the policy and procedures of the FBI which have not yet been brought to the attention of the Committee and were therefore not specifically mentioned in any of its requests. Furthermore, the Committee intends its requests to be generously construed so that descriptive words used herein are meant in a general

usage sense and not necessarily in the technical sense used by the Justice Department or the FBI. Thus, words such as [illegible] other materials" refer to all documents relating to [illegible] matter requested and are to include (but are not limited to, [illegible] letters, correspondence, airtels, LHMs, inserts, executive conference memoranda, 302s, "Assistant Director memos", notes, routing slips, etc.

Where the response to a particular request would involve the production of derogatory personal information about an individual, please provide the document with such information deleted and consult the Chief Counsel regarding procedures for access to the deleted information which will protect individual privacy to the degree consistent with the Committee's need to exercise its mandate.

We recognize, of course, that this is a substantial request. But the mandate given to the Committee by the Senate is itself very broad. We are seeking to perform our duties under that mandate expeditiously. For us to do so, it is necessary for the Executive Agencies to apply sufficient manpower and attention to our requests to enable prompt responses. We hope that you will have a schedule for response promptly, have most of the material available within 10 days, and all of it shortly thereafter.

The Committee also asks to be advised at once whether the specific documents presently outstanding from the March 19 request (see Appendix A, items 1, 2, 6 and 7) will be provided.

Sincerely yours,

Frank Church

Frank Church
Chairman

Appendix A

DOCUMENTS PERTAINING TO THE COMMITTEE'S PRIOR REQUESTS

#MDR16
ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/19/01 BY SP2 ALM/1276

Please provide:

1. FBI Intelligence Division memorandum dated July 31, 1972, prepared by T. J. Smith discussing the legal authority for FBI intelligence activities.

2. The following attachments to the February 1975 FBI Intelligence Division position paper on legal authority:

   a. Memorandum by former FBI Director Hoover, dated April 28, 1965, relative to conversation with the President concerning effect of anti-Vietnam demonstrations upon the conduct of United States foreign and defense policy and letter to McGeorge Bundy, Special Assistant to the President for National Security Affairs, dated April 28, 1965, enclosing FBI memorandum titled "Communist Activities Relative to United States Policy of Vietnam" dated April 28, 1965.

   b. Letter to McGeorge Bundy, Special Assistant to the President for National Security Affairs, dated July 25, 1961, enclosing memorandum concerning United States internal security programs under the control of the Interdepartmental Intelligence Committee, memorandum prepared in response to White House request.

   c. Excerpt from report on the Status of the Internal Security Program of the United States as of June 30, 1958, dated August 27, 1958, prepared jointly by the Interdepartmental Intelligence Committee and the Interdepartmental Committee on Internal Security.

   d. Excerpt from report on the Internal Security Program, dated March 5, 1954, prepared by Interdepartmental Intelligence Conference and the Interdepartmental Committee on Internal Security.

ENCLO[illegible]

62-116395-142

e. Memorandum from J. Patrick Coyne, National Security Council Representative on Internal Security, dated November 6, 1950, concerning necessary intelligence measures relative to violence by Puerto Rican nationalists.

3. All other FBI documents relating to paragraph I of the Committee's March 19 request. (Note: It is the responsibility of the Bureau to produce all responsive material whether or not the Committee has identified a specific document.)

4. All documents in the possession of the Justice Department (as opposed to the FBI) relating to paragraph I of the Committee's March 19 request. (Note: It was made clear on April 21 and 23 that the request applied to the Department itself, but no material has been received to date.)

5. All memoranda of the FBI and the Justice Department discussing the legal authority of the FBI to use the following techniques to (1) investigate internal security matters, (2) collect intelligence information, and (3) engage in counterintelligence activities (see letter from the Chief Counsel to the Deputy Attorney General dated April 23, 1975):

a. All forms of electronic surveillance, including consensual electronic surveillance;

b. All forms of mail surveillance, including mail covers and opening mail;

c. Surreptitious entry;

d. All forms of physical surveillance, including agent infiltration, observation, photography, and remote viewing and sensing devices;

e. Informants, including possible entrapment, provocation, interference with lawyer-client relationship, or other problems;

f. Obtaining bank, credit, or other personal information;

g. Incommunicado interrogation;

h. Maintenance of files and records;

i. Dissemination of information from files and records;

j. So-called "COINTELPRO" techniques and methods, including all forms of organizational "disruption".

6. The Special Report of the Interagency Committee on Intelligence (Ad Hoc), dated June 1970.

7. The original report on COINTELPRO activities prepared by the Committee headed by Assistant Attorney General Henry Petersen.

8. Committee staff access to all memoranda and other materials pertaining to the policies and procedures of the Internal Security Division (now Internal Security Section) and the Intelligence Evaluation Committee, including, but not limited to, the following materials discussed in the letter from the Chief Counsel to the Deputy Attorney General dated April 23, 1975:

a. "The files of the Intelligence Evaluation Committee ('IEC'), including former Assistant Attorney General Mardian's IEC files, which we understand were made available to the Senate Subcommittee on Constitutional Rights. We would also like to see any IEC or ICIS files of Justice (now Judge) Morrell Sharpe, Deputy Assistant Attorney General John Doherty, Mr. Bernard Wells, and Assistant Attorney General William Olson.

b. "The small box of classified document receipts which we understand is in the IEC file cabinet.

c. "Any intelligence estimates prepared by the IEC, particularly E 28.

d. "Any requests for Interdivision Information Unit ('IDIU') computer printouts made by the Special Litigation Section, the IEC, or the Analysis and Evaluation Section.

e. "An organization chart of the Internal Security Division before its 1970 reorganization, after its 1970 reorganization, and after its 1973 merger with the Criminal Division.

f. "A copy of the analysis of grand juries convened and prosecutions commenced by the Special Litigation Section which we understand was furnished to the Senate Subcommittee on Constitutional Rights on May 8, 1974."

9. Response to the letter from the Chairman to the Attorney General dated April 28, 1975, regarding the so-called "Official and Confidential" files.

10. Further response to the memorandum from the Chief Counsel to the Deputy Attorney General and the FBI Director dated April 30, 1975, regarding Committee staff access to materials on FBI policies and procedures.

Appendix B

FURTHER DOCUMENTS PERTAINING TO THE FBI AND DEPARTMENT OF JUSTICE



I. Policies and Procedures

Please provide:

1. Committee staff access to all indices and control files pertaining to:

   a. All SAC memoranda and SAC letters for 1960 to the present.

   b. All programs operated by the Intelligence Division for 1960 to the present.

2. Committee staff access to all so-called "O" files or other general policy files with respect to each file classification routinely used by the Intelligence Division for the period 1960 to the present.

3. All general policy memoranda and other materials not already provided the Committee pertaining to internal security, intelligence collection, and/or counterintelligence matters, operations, and activities for the period 1960 to the present.

4. For each of the techniques described in Item 5 of Appendix A above, all memoranda and other materials relating to:

   a. The original decision to utilize the technique in internal security, intelligence collection, and/or counterintelligence matters, operations, or activities.

   b. The policies and procedures of the FBI for the utilization of the technique in internal security, intelligence collection, and/or counterintelligence matters, operations, or activities.

62-116395-142

5. Committee staff access to annual inspection reports and related surveys for the past ten years with respect to the following FBI field offices: New York City; Chicago; San Francisco; Los Angeles; San Diego; Sacramento; Springfield, Illinois; Buffalo; Atlanta; and Columbia, South Carolina.

6. The annual inspection reports and related surveys for the past ten years pertaining to the FBI Intelligence Division.

7. Guidelines used by the FBI Inspection Division for inspecting field offices and for inspecting divisions of the FBI.

8. A sample of the confidentiality statement which FBI personnel are required to sign along with any other employment agreements currently in use.

II. <u>Organization, Structure, and Jurisdiction</u>

Please provide:

9. All memoranda and other materials pertaining to the origins, contents, and implementation of National Security Action Memorandum 161, June 9, 1962.

10. The June 1964 memorandum from Attorney General Robert Kennedy to President Johnson recommending new FBI procedures for gathering intelligence about the Ku Klux Klan and related activities.

11. All memoranda and other materials pertaining to the origins, contents, and implementation of the memorandum described in Item 10 above.

12. All memoranda prepared by former Special Agent James Gale relating to the FBI internal assignment of jurisdiction or responsibility with respect to matters involving the Ku Klux Klan in 1964.

13. All memoranda and other materials reflecting meetings and contacts between the President and the Director of the FBI during 1971 on the subject of "legal attaches".

14. All memoranda and other materials reflecting meetings and contacts during 1971 between officials of the FBI and officials of the Department of State on the subject of "legal attaches".

15. All memoranda and other materials relating to the elimination of the FBI Crime Records Division in late 1972 or early 1973.

## III. Indices

Please provide:

16. Committee staff access to the following indices for the period 1960 to the present:

    a. "Agitator" index;

    b. "Rabble Rouser" index;

    c. "Key Activist" list;

    d. List of "Action Groups";

    e. "Security" index;

    f. "Administrative" index;

    g. All similar indices, lists, or computer printouts.

17. All memoranda and other materials pertaining to the origin, implementation, operation, or termination of any of the indices set out in Item 16 above.

Appendix C

DOCUMENTS PERTAINING TO THE "HUSTON PLAN", COINTELPRO, AND OTHER PRACTICES AND PROGRAMS

*MORI6
ALL FBI INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11-19-01 BY SP-2 ALM/TG

I. Huston Plan and Related Developments

Please provide:

1. All memoranda and other materials pertaining to the FBI's termination in 1966 of the investigative techniques referred to in President Nixon's statement of May 22, 1973 (Presidential Docs. 693-94).

2. A letter dated June 20, 1969, from Tom Charles Huston, staff assistant to the President, to the Director of the FBI concerning resources being targeted toward the monitoring of foreign communist support of revolutionary youth activities in the United States, effectiveness of such resources, gaps in intelligence, and steps which should be taken to provide maximum coverage.

3. The response by the FBI to the letter set out in Item 2 and all other FBI memoranda and other materials pertaining to the correspondence.

4. The interdepartmental Action Plan for Civil Disturbances, dated April 1, 1969, and all memoranda and other materials pertaining to the origins and implementation of that Plan.

5. All memoranda and other materials pertaining to a request from Tom Charles Huston for an FBI investigation of the involvement of the New Mobilization Committee in violent demonstrations in November 1969.

6. All memoranda and other materials pertaining to FBI policies, practices, and procedures for liaison with the CIA from 1960 to May 1970.

7. All memoranda and other materials relating to the 1969 disappearance of Associate Professor Thomas Riha, University of Colorado, insofar as such memoranda and materials relate to:

62-116395-142

a. Efforts of the FBI to ascertain the identity of confidential sources of the Central Intelligence Agency; and

b. Inspections and administrative inquiries relating to the disclosure of information by Dr. Joseph R. Smiley, then-President of the University of Colorado.

8. All memoranda and other materials relating to actions by the Director or any other official of the FBI severing liaison (formal, informal, or other) or terminating contact (formal, informal, or other) between personnel of the FBI and personnel of the Central Intelligence Agency.

9. All memoranda and other materials reflecting conversations or communications, during 1970, between agents of the FBI and the FBI Director on the subject of liaison or contact between personnel of the FBI and personnel of the Central Intelligence Agency, including, but not limited to, all memoranda and other materials written by former Special Agent Sam Papich.

10. All memoranda or other materials relating to the elimination of the Liaison Section of the FBI Intelligence Division in 1970 and relating to the re-establishment of the Liaison Section in late 1972 or early 1973.

11. All memoranda and other materials prepared or compiled by FBI personnel assigned to the Interagency Committee on Intelligence (Ad Hoc) working group from June 5, 1970, to June 25, 1970.

12. Letter from FBI Director Hoover to Attorney General Mitchell dated July 27, 1970, regarding the "Huston Plan".

13. All memoranda or other materials pertaining to meetings or conversations between FBI Director Hoover and Attorney General Mitchell from July 23, 1970, through July 28, 1970, concerning the "Huston Plan".

14. All memoranda and other materials in the possession of the FBI pertaining to the activities of the Intelligence Evaluation Committee.

15. All memoranda and other materials pertaining to the decision by Assistant Attorney General Henry Petersen to terminate the Intelligence Evaluation Committee on June 11, 1973. (Further documents regarding the Intelligence Evaluation Committee were requested in the letter of the Chief Counsel to the Deputy Attorney General dated April 23, 1975. See Appendix A, Item 8.)

## II. COINTELPRO

Please provide:

16. Summaries of COINTELPRO case files prepared by the FBI for the Committee chaired by Assistant Attorney General Henry Petersen (see prepared statement of Attorney General William Saxbe before the House Judiciary Committee on November 20, 1974).

17. All memoranda and other materials pertaining to the origin and implementation of all COINTELPRO programs, including, but not limited to, the seven programs set out in the airtel from the FBI Director to SAC, Albany, dated April 28, 1971, entitled "Counterintelligence Programs (COINTELPROS), Internal Security - Racial Matters".

18. Committee staff access to a list of all FBI headquarters supervisory personnel involved in the origination, implementation, and termination of each COINTELPRO program.

19. All memoranda or other materials reflecting approval or knowledge of any COINTELPRO program by any government official outside the FBI including, but not limited to, any Attorney General, Member of Congress, or President.

20. A list of any COINTELPRO type activities as defined in the prepared statement of Attorney General Saxbe before the House Judiciary Committee on November 20, 1974, which were engaged in by the FBI subsequent to April 28, 1971.

III. <u>Other Specific FBI Practices and Programs</u>

21. An itemized description of the contents of each file folder in the so-called "Official and Confidential" files of the FBI (see testimony of Attorney General Levi before the House Judiciary Committee, February 27, 1975).

22. All memoranda and other materials contained in the "Official and Confidential" files pertaining to internal security, intelligence collection, and/or counterintelligence matters, operations, or activities including, but not limited to, the following documents mentioned by the Attorney General:

    a. "Policy Matters" -- "Presidential directives regarding the role of the FBI in the security field; conversations between Mr. Hoover and a President-elect regarding the role of the FBI in his forthcoming Administration; letters to and from the White House regarding expansion of FBI legal attache posts abroad".

    b. "Administrative Matters" -- "Memoranda regarding an Attorney General's decision with respect to supervision of the FBI by an Assistant Attorney General; a memorandum concerning the briefing of the President by Mr. Hoover and the Attorney General with respect to certain intelligence activities by hostile nations within the United States".

    c. "Reference Material" -- "A compilation of data concerning the 1964 riots".

d. "Protection of sources or sensitive information" -- "Materials on FBI counterintelligence activities; technical devices and techniques; the telephone surveillance involving sensitive coverage in the national security area".

23. All memoranda, files, or other materials, including inspection reports or related surveys, which pertain to the following statement by Attorney General Levi in his testimony before the House Judiciary Committee, February 27, 1975:

". . . In order to consider what measures may be appropriate, we have endeavored to characterize the types of abuse to which the Bureau has been susceptible in the past.

a. "Use of the resources of the FBI to gather political intelligence. Our review disclosed a few documented instances in which the Bureau at times during the course of an election campaign was requested to provide -- and did indeed provide -- information which could be used as political intelligence information. In one instance, this involved a check of FBI files on the staff of a campaign opponent.

b. "Improper use of the FBI in connection with the political process. In a few instances recorded in Bureau files, an incumbent President caused the FBI to gather intelligence relating to a political convention under circumstances that although cast in legitimate law enforcement terms could -- and some would say should -- have been suspected of being politically motivated.

c. "Use of the FBI to report on certain activities of critics of an Administration's policies. The FBI files document a few instances in which an incumbent President caused the Bureau to report on certain activities of Members of Congress who were opposed to and critical of his policies.

d. "Use of information in the FBI files to respond to or discredit critics. Again, the Bureau files document a very small number of instances in which derogatory information legitimately obtained by the Bureau was disseminated to other members of the Executive Branch to enable them to discredit their critics.

e. "Use of the FBI in connection with other legitimate law enforcement activities. There was one documented instance where the FBI was used to conduct an inquiry for what might be described as political purposes, relating to an investigation properly conducted by other Executive Branch officials."

24. All memoranda and other materials reflecting conversations, contacts, or communications between the FBI and the CIA on the subject of the establishment or creation of "notional" Marxist-Leninist organizations within the United States.

25. All memoranda and other materials reflecting activities of any agents, employees, or informants of the FBI in connection with:

a. The establishment, creation, or financing of "notional" Marxist-Leninist organizations within the United States.

b. The establishment, creation, or financing of:

(1) The Red Star Cadre, or Red Star Swap Shop;

(2) The Red Collective.

26. All reports prepared by the Office of Criminal Justice of the Department of Justice pursuant to the request in September 1974 of the Attorney General and/or Deputy Attorney General pertaining to the so-called "Wounded Knee" case and any other so-called "political trial" or other prosecutions brought by the Special Litigation Section of the Internal Security Division.

27. All memoranda or other materials prepared by the FBI relating to the reports described in Item 26.

28. All memoranda and other materials pertaining to the origins and conduct of the FBI investigation in the Dominican Republic in 1965.

29. All memoranda and other materials pertaining to the origins, implementation, and termination of Project INLET, involving preparation of an Intelligence Letter for the President.

30. The current office assignment or last known address of the following persons who in 1970 were employed at the Portland, Oregon, office of the FBI:

    a. Leo B. App

    b. Edgar O. Ingles, Jr.

APPENDIX D

REQUEST PERTAINING TO ELECTRONIC SURVEILLANCE



Please provide the Committee:

1. "Manual for the Conduct of Electronic Surveillance".

2. All memoranda and other materials relating to the maintenance and operation of the so-called "ELSUR" electronic surveillance index.

3. Committee staff access to a list of all warrantless electronic surveillances, identified by subject and target, which were instituted or operated by, for, on behalf of, or at the request of the FBI, from January 1, 1960, until the present.

4. A list of all electronic surveillances, identified by subject and target, of the so-called "Kissinger 17".

5. A list of all electronic surveillances, identified by subject and target, which were instituted or operated by, for, on behalf of, or at the request of, the FBI, and which intercepted and/or monitored any conversations of Martin Luther King, Jr., at any time between January 1, 1960, and April 5, 1968.

6. With respect to each surveillance listed in response to numbers 4 and 5, please provide:

(a) the address of the premises surveilled, and the number of the telephone surveilled;

(b) a generic description of the surveillance technique employed;

(c) all memoranda and other materials reflecting written or oral authorization and re-authorization by the President, the Attorney General, the Director of the FBI, White House officials, or National Security Council officials;

(d) a list of all memoranda and other materials reflecting dissemination outside the FBI of information from each surveillance, stating author, address(s), and dates, together with the purpose of such dissemination.

7. All memoranda and other materials which:

(a) relate to intelligence activities at or in connection with the Democratic National Convention in Atlantic City, New Jersey, in August 1964;

62-116395-142

(b) relate to electronic surveillances of telephones and/or premises at 2414 Atlantic Avenue and/or the Clairidge Hotel in Atlantic City, New Jersey, during August 1964.

8. Committee staff access to all memoranda and other materials reflecting the identities of persons monitored, the contents of conversations monitored, and/or any information [illegible] conversations monitored on the surveillances described [illegible]

9. Copies of all memoranda and other materials relating to the preparation, dissemination, and/or withdrawal of all monographs concerning Martin Luther King, Jr., not to include the monographs themselves.

10. All records, vouchers, travel authorizations, expense receipts, ticket stubs, governmental travel requests (GTR's), and any other documents which relate to travel by:

(a) Former Special Agent Lish Whitson from Washington, D.C., to Tampa or Miami, Florida, during 1964;

(b) Former Special Agents Cartha DeLoach, Hobson Adcock, Don Manning, Harold Linebaugh, and Elmer Todd from Washington, D.C., to Atlantic City, New Jersey, during August 1964;

(c) Former Special Agent William C. Sullivan from Washington, D.C., to Atlanta, Georgia, during 1964.

11. The current office of assignment or last known adress of the following persons who, in 1964, were employed at the Newark, New Jersey, office of the FBI:

(a) Robert L. Tagg

(b) John B. Meade

(c) Billie D. Williams

(d) John J. Creamer, Jr.

(e) John J. Connolly

(f) Marjorie Ann Miermejewski

(g) Mary Ann Mass

12. The last known address of the following former Special Agents of the FBI:

(a) Harold Linebaugh, who in 1964 was employed at FBI headquarters;

(b) Elmer Todd, who in 1964 was employed at the Washington Field Office.

13. The names and current office assignments or last known addresses of all FBI employees assigned to the U. S. Embassy in Rome, Italy, in 1964.

14. SAC letter 64-11 captioned "Protection of the President"; and February 28, 1964, communication from FBI headquarters to FBI field offices supplementing and/or relating to the same subject.

15. All July and August memoranda from former Special Agent Leo T. Clark to the Assistant Special Agent in Charge or the Special Agent in Charge of the Newark, New Jersey office of the FBI, captioned "Protection of the President - White House Inquiry".

16. All memoranda and other materials containing the results of any administrative or other inquiry undertaken by the FBI as a result of and/or relating to the allegations contained in the January 26, 1975, issue of The Washington Post concerning activities of the FBI in Atlantic City, New Jersey, in August 1964.

17. All memoranda and other materials reflecting written or oral authorization and re-authorization by the Attorney General and/or the Director of the FBI for electronic surveillance of Joseph Kraft.

18. The current office assignment or last known address of the following persons who, in 1969-70, were employed at the Washington, D.C., office of the FBI:

(a) Robert Kunkel

(b) Courtland Jones

(c) Ernest Belter

(d) James Gaffney

19. The current office assignment or last known address of the following persons who, in 1969-70, were employed at FBI headquarters:

(a) Joseph A. Sizoo

(b) Michael Joseph Rozamus

(c) Sterling Donahue

(d) Bernard A. Wells

(e) Robert Haynes

20. The current office assignment or last known address of Al or Alan Miller who, in 1964, was employed at the Atlanta, Georgia office of the FBI.

21. With respect to each occasion on which the Director of the FBI testified before the House Appropriations Committee from 1965 until the present, please provide the number of warrantless electronic surveillances in operation:

(a) on the date of such testimony;

(b) thirty days prior to such testimony; and

(c) thirty days subsequent to such testimony.

5-113a (Rev. 3-21-73)

Intelligence Division

INFORMATIVE NOTE

Date May 13, 1975

Attached is a teletype from the Newark Office advising that former SA John Patrick Devlin has been requested to appear before the Senate Select Committee (SSC) in Washington, D. C., 5/19/75 to be interviewed "for the record."

By memorandum dated 5/8/75 we advised the Attorney General that Devlin had been interviewed by Staff Members, SSC, and furnished him an LHM covering the thrust of this interview.

Responsive to Devlin's request, we are telephonically advising him through the Newark Office to contact the Bureau's Legal Counsel regarding arrangements for a representative from the Bureau to accompany him on the 5/19/75 appearance before the SSC.

1 - Mr. Mintz

Ou... advised Devlin to have call Mintz on Thurs. 4-15-75 WOC

WOC:ekw

#MOR16

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP2 ALM/ETC

DOJ/FBI

NR002 AX CODED

10:10PM NITEL 5/21/75 VAN

TO DIRECTOR (62-116395)

FROM ALEXANDRIA (62-217) (RUC) 1 PAGE

SENSTUDY 75

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
MAY 21 1975
TELETYPE

| | |
|---|---|
| Assoc. Dir. | |
| Dep.-A.D.-Adm. | |
| Dep.-A.D.-Inv. | |
| Asst. Dir.: | |
| Admin. | |
| Comp. Syst. | |
| Ext. Affairs | |
| Files & Com. | |
| Gen. Inv. | |
| Ident. | |
| Inspection | |
| Intell. | |
| Laboratory | |
| Plan. & Eval. | |
| Spec. Inv. | |
| Training | |
| Legal Coun. | |
| Telephone Rm. | |
| Director Sec'y | |

RE ALEXANDRIA TELETYPE TO BUREAU, MAY 3, 1975.

FORMER BUREAU AGENT HAROLD P. LEINBAUGH, 1160 WIMBLEDON DRIVE, MC CLEAN, VIRGINIA, CONTACTED ON MAY 20, 1975, IN ACCORDANCE WITH BUREAU INSTRUCTIONS. LEINBAUGH STATED HIS FEELING AT PRESENT IS THAT HE WILL REFUSE TO BE INTERVIEWED BY STAFF MEMBER OF CONGRESSIONAL COMMITTEE BUT IN EVENT HE CONSENTS TO INTERVIEW AND SENSITIVE MATTERS ARISE, HE WILL REQUEST PRESENCE OF BUREAU AGENT OR CONTACT LEGAL COUNSEL AT FBIHQ.

END

HOLD FOR ONE

MAH FBIHQ ACK FR ONE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP2 ALM/JTG

#MDE 16

REC-100

62-116395-141

cc 67-42632 (Leinbaugh)

13 MAY 27 1975

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 12 1975

| |
|---|
| Assoc. Dir. |
| Dep.-A.D.-Adm. |
| Dep.-A.D.-Inv. |
| Asst. Dir.: |
| Admin. |
| Comp. Syst. |
| Ext. Affairs |
| Files & Com. |
| Gen. Inv. |
| Ident. |
| Inspection |
| Intell. |
| Laboratory |
| Plan. & Eval. |
| Spec. Inv. |
| Training |
| Legal Coun. |
| Telephone Rm. |
| Director Sec'y |

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP-2 ALM/SC6 #MDR16

NR 006 NK PLAIN

5:37PM NITEL MAY 12, 1975 JCG

TO DIRECTOR (62-116395)

FROM NEWARK (66-3971)

SENSTUDY 75

RE NKTEL CALL TO BUREAU TODAY.

FORMER SA JOHN PATRICK DEVLIN CONTACTED THE NEWARK OFFICE MAY 12, 1975, AND ADVISED HE WAS REQUESED TO APPEAR BEFORE THE SENATE COMMITTEE AT 2:00 P.M., IN WASHINGTON, D.C., ON MONDAY, MAY 19, TO BE INTERVIEWED FOR THE RECORD. AS THE BUREAU IS AWARE, DEVLIN HAS BEEN PREVIOUSLY INTERVIEWED REGARDING HIS KNOWLEDGE OF THE TECHNICAL SURVEILLANCES CONDUCTED DURING 1964 DEMOCRATIC PARTY NATIONAL NOMINATING CONVENTION, ATLANTIC CITY, N.J.

DEVLIN ADVISED THAT HE WOULD LIKE SOMEONE FROM THE BUREAU TO ACCOMPANY HIM TO THE INTERVIEW BY THE SENATE COMMITTEE STAFF. BUREAU IS REQUESTED TO ADVISE NEWARK, FOR TRANSMITTAL TO DEVLIN, INFORMATION CONCERNING WHOM HE SHOULD CONTACT AT BUREAU CONCERNING THIS REQUEST.

END

PLS ACK FOR (5)

REC-100 62-116395-140

16 MAY 27 1975

cc 67-770521 (Devlin)

84 MAY 27 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

TO : Mr. W. R. Wannall

DATE: 5/21/75

FROM : W. O. Cregar

SUBJECT: SENSTUDY - 75

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

On 5/15/75, Senate Select Committee Staff Members Mark Gitenstein and Thomas Dawson reviewed Manual of Instructions Sections 107, Part I, relating to security informants and Section 130 relating to extremist informants. The review took place from 3:50 p.m. to 5:40 p.m. in the conference room at INTD. SA Elmer W. Larson of SENSTUDY - 75 project was present during the review. Gitenstein and Dawson asked several questions concerning administrative and technical clarifications but raised no substantive questions concerning the sections under review.

ACTION:

None. For record purposes.

62-116395

EWL:cmc
(3)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP-2 ALM/JTG

REC-100 62-116395-139

16 MAY 23 1975

84 MAY 23 1975

1 - [redacted] Adams
1 - [redacted] Cleveland
1 - Mr. Mintz
1 - Mr. Gebhardt
1 - Mr. Wannall

May 16, 1975

#MDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/22/01 BY SP-2 ALM/KSG

BY LIAISON

1 - Mr. Cregar
1 - Mr. Flemister
1 - Mr. Crescioli

Mr. William J. Cotter
Chief Postal Inspector
U. S. Postal Service
Washington, D. C.

SenStudy - 75

original of letter delivered to USPS by liaison 5/20/75 LAC

Dear Bill:

I have been advised that a representative of the Senate Select Committee has recently made a request of your Service to furnish the identities of all FBI mail covers placed since 1960.

In view of the fact that such information directly relates to the investigative responsibilities of this Bureau, it is requested that you advise the Senate Select Committee that such a request should be made to the FBI through the Office of the Attorney General.

Your cooperation in this matter is sincerely appreciated.

Sincerely yours,

62-

Clarence M. Kelley
Director

MAY 27 1975

ORIGINAL FILED IN 62-2-35-33

LAC:tdp (10)

NOTE:

See memorandum Flemister to Wannall dated 5/15/75, captioned "Mail Covers," prepared by LAC:tdp.

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

MAIL ROOM ☐ TELETYPE UNIT ☐

62-116395

NOT RECORDED
46 MAY 27 1975

84 MAY 27 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. Adams
1 - Mr. Cleveland
1 - Mr. Mintz

TO : Mr. W.R. Wannall

DATE: 5/15/75

1 - Mr. Gebhardt
1 - Mr. Wannall
1 - Mr. Cregar
1 - Mr. Flemister
1 - Mr. Crescioli

FROM : H.C. Flemister, Jr.

SUBJECT: MAIL COVERS

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

This is to advise of recent request by Senate Select Committee (SSC) that U. S. Postal Service (USPS) furnish to the SSC the identities of all mail covers placed by the FBI since 1960.

On 5/14/75 Mr. Ron L. Jackson, Assistant Chief Inspector, Office of Security Investigations, USPS, advised Liaison Officer L.A. Crescioli that Mr. Paul Wallach, staff member of the SSC, has requested USPS to furnish the identities of all FBI mail covers placed with the USPS since 1960. According to Jackson, Chief Postal Inspector William J. Cotter has informed Wallach that the FBI is the custodian of such detailed information and that the SSC should therefore make this request directly to the Bureau. Mr. Jackson requested that the FBI consider directing a communication to Chief Cotter, pointing out that the Bureau does interpose an objection to the USPS complying with above request and that the SSC should proceed directly to the FBI in this regard.

OBSERVATIONS:

The request for the identities of all FBI mail covers since 1960 in effect provides the SSC with the identities of the subjects of FBI investigations, which includes some extremely sensitive cases. The intelligence community in attempting to work out guidelines with the SSC as to sensitive areas of inquiry have indicated that specific targets of ongoing intelligence operations should be subject to negotiation between the SSC staff and the appropriate agency. The Intelligence Division believes that we should take a strong stand in this instance and attempt to negotiate an accommodation which would allow the SSC to carry out its mission but yet not compromise ongoing FBI sensitive investigations.

62-116395- 16 MAY 27 1975
NOT RECORDED

CONTINUED - OVER

LAC:tdp (9)

46 MAY 27 1975

Enclosure - Sent 5-20-75

Records
cc: 62-116395

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/22/01 BY SP2 ALM/TAK

ORIGINAL FILED IN 62-82533

84 MAY 27 1975

Memorandum to Mr. W.R. Wannall
RE: MAIL COVERS

RECOMMENDATION:

That the attached letter to Chief Postal Inspector Cotter be sent via Liaison, advising him of the proprietary interest of FBI concerning specifics of its requests to USPS for mail covers and that under the third agency requirement the SSC should make its request for such data to the FBI through the Office of the Attorney General.

LAC

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. J. B. Adams  DATE: 5/15/75

FROM : Legal Counsel

SUBJECT: REQUEST OF HARRY H. WACHTEL ON BEHALF OF ESTATE OF MARTIN LUTHER KING, JR., CONGRESSMAN ANDREW YOUNG, AND DELEGATE WALTER E. FAUNTROY

Sen Study - 75

My memorandum of March 19, 1975, reported discussions with the attorney for the estate of Dr. Martin Luther King, Jr., who also represents Mrs. Coretta King and her children. It was clearly indicated that Mrs. King and her children were concerned about invasion of personal privacy that might occur should there be disclosure of inquiries concerning the FBI investigation of Dr. Martin Luther King, Jr. At the conclusion of our conference with the King representatives, Assistant Attorney General Scalia asked me whether I would be willing to agree to have Mr. Wachtel notified in the event a congressional committee requested access to such material in Bureau files. I told him that I saw no difficulty in the Department advising Mr. Wachtel in the event such a request is made by a committee of the Congress. The Senate Select Committee on Intelligence Activities has initiated inquiries concerning the Bureau's investigation of Dr. King and though they have not as yet requested material from our files which may contain tapes of electronic surveillance of Dr. King, it is likely that their inquiry will reach the stage where such demands will be made.

Therefore, in response to the requests made by Mr. Wachtel representing Mrs. King and in response to inquiry by Assistant Attorney General Scalia, it is my view that we should advise the Department of the nature of the inquiry currently being made by the Senate Select Committee and to suggest that they may wish to notify the representatives of the King estate and Mrs. King for whatever action they may deem appropriate.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2-20-87 BY SP/...

ORIGINAL FILED IN 100-106670

Enc. — Sent 5-20-75  62-116395-  16 MAY 27 1975
NOT RECORDED
46 MAY 27 1975
1 - Mr. Wannall
1 - Mr. Moore
1 - Mr. McDermott
1 - Mrs. Metcalf
1 - Mr. Hotis
1 - Mr. Mintz
JAM:mfd (8)

Records - place cc in 62-116395.

LEGAL COUNSEL

CONTINUED - OVER

84 MAY 27 1975

Memorandum to Mr. Adams
Re: Request of Harry H. Wachtel, etc.

RECOMMENDATION:

That attached memorandum to the Attorney General advising him of the concern of the King family and of the request that they be advised of congressional inquiries be approved and sent.

The Attorney General

May 16, 1975

1 - Mr. Wannall
1 - Mr. Moore
1 - Mr. McDermott
1 - Mrs. Metcalf
1 - Mr. Hotis
1 - Mr. Mintz

Director, FBI

REQUEST OF HARRY H. WACHTEL ON BEHALF OF ESTATE OF MARTIN LUTHER KING, JR., CONGRESSMAN ANDREW YOUNG, AND DELEGATE WALTER E. FAUNTROY

(Sen Study - '75)

At a conference on March 19, 1975, Harry H. Wachtel, attorney representing the estate of Dr. Martin Luther King, Jr., Mrs. Coretta King, and her children, accompanied by Congressman Andrew Young and District of Columbia Delegate Walter E. Fauntroy, advised representatives of the Attorney General and the FBI of their great concern for the privacy of Mrs. King and her children. They were concerned that inquiries into an investigation conducted by the FBI of Dr. Martin Luther King, Jr., could reveal information of a derogatory nature concerning Dr. King. They indicated an interest in undertaking appropriate measures to limit the possibility of public disclosure of derogatory information that may be produced as a result of inquiries such as those that might be made by the Senate Select Committee on Intelligence Activities and requested that they would be advised should such inquiries be made by a committee of Congress.

Subsequent to that meeting, the FBI has learned that the Senate Select Committee on Intelligence Activities is conducting interviews in an effort to develop information concerning an FBI investigation of Dr. Martin Luther King, Jr. In view of this fact, this matter is being brought to your attention in order that you may determine what action you feel is appropriate in response to the requests made by Mr. Wachtel on behalf of Mrs. King, her children, and the estate of Dr. Martin Luther King, Jr., which requests were joined in by Congressman Andrew Young

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2-20-81 BY SP4 JRM/ch 6076

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SEE NOTE PAGE 2

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Delivered to k Wm O'Connor 5/21/75

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and Delegate Walter E. Fauntroy. The FBI would have no objection should you decide to advise Mr. Wachtel that the current inquiry by the Senate Select Committee on Intelligence Activities concerns the FBI investigation of Dr. Martin Luther King, Jr.

1 - The Deputy Attorney General

1 - Assistant Attorney General
Office of Legal Counsel

NOTE: Based on memorandum Legal Counsel to Mr. Adams, 5/15/75, captioned as above, JAM:mfd.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. N. P. Callahan
1 - Mr. J. B. Adams
1 - Mr. T. J. Jenkins

TO : MR. W. R. WANNALL

DATE: May 12, 1975

1 - Mr. J. A. Mintz
1 - Mr. J. B. Hotis
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

FROM : MR. W. O. CREGAR

SUBJECT: SENSTUDY 75

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Director Sec'y

This memorandum reports the telephonic contact between former Assistant to the Director John P. Mohr and Mr. Jenkins at which time Mr. Mohr furnished additional information regarding his meeting with representatives of the Senate Select Committee (SSC) Staff on the morning of 5/9/75.

In reconstructing his interview on the morning of 5/9/75 by Staff Members Mark Gitenstein, Thomas Dawson and Lester B. Seidel, Mr. Mohr recalled them asking if he knew who prepared the "surreptitious letters" the Bureau sent in the Socialist Workers Party case. Mr. Mohr advised the Staff Members that he did not know but he presumed somebody in the Document Section of the Laboratory probably prepared these letters.

REC-106 62-116395-138

As reported in my memorandum of 5/9/75, members of the Staff Committee are hoping that Mr. Mohr will be able to arrange an interview of Miss Gandy by members of the SSC providing Mr. Mohr is present. In this regard, Mr. Mohr desired some guidance as to what he could tell Miss Gandy if Staff Members asked her for the names of individuals appearing in the official and confidential files of Mr. Hoover. Mr. Mohr was telephonically advised on the afternoon of 5/12/75 by Cregar that the Bureau could not give him any advice as to what he could tell Miss Gandy recognizing that whatever he told Miss Gandy was strictly between the two of them and not of concern or interest to the FBI. It was further pointed out to Mr. Mohr that neither he nor Miss Gandy should feel under any obligation to report to the Bureau what Miss Gandy decided in this regard as well as what she might tell the Staff of the SSC during her forthcoming interview by them on 5/15/75.

16 MAY 23 1975

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On the occasion of Cregar's call to Mr. Mohr on the afternoon of 5/12/75 Mohr recalled that he had told Staff Members of the SSC Miss Gandy had turned over to Mr. Felt the official and confidential files amounting to one-half a file drawer. Mr. Mohr in speaking with Miss Gandy subsequent to his interview on 5/9/75 learned the official and confidential files turned over to Mr. Felt

62-116395
WOC:ekw (8)

CONTINUED - OVER

84 MAY 23 1975

by Miss Gandy amounted to one and one-half file drawers. Mohr subsequently advised Mr. Gitenstein of this correction. Additionally, Gitenstein desired to know whether an itemized list of the official and confidential files was made and if so, where the list was. Mohr told Gitenstein that he was sure a list was made (subsequently confirmed by Miss Gandy) and that the list accompanied the official and confidential files.

In addition to the above, Mohr advised that Gitenstein asked about a requirement of all Bureau employees to turn over any confidential files in their possession ordered by Mr. Hoover following the revelation that former Assistant to the Director Sullivan had turned over certain confidential files to former Attorney General Mardian. Mohr advised Gitenstein that Mr. Hoover had in fact levied such a requirement on Bureau employees and that all confidential files were to be turned over to Mr. Felt along with a memorandum explaining the nature of these files. Gitenstein asked Mr. Mohr where these memoranda would be filed. Mohr responded by saying he presumed they were confidential memoranda and would have gone with the confidential files turned over to Mr. Felt by any Bureau employee maintaining such files.

<u>ACTION:</u>

For information and record purposes.

WRW / [illegible]

By call to San Francisco, D. [illegible] . Adams [illegible] telephonically requested to inform Mr. Callahan & Dr. Kelley of Miss Gandy's future interviews by Select Committee staff. 5/13/75. [initials]

NPC/[initials]

JBA/PLM

[signature]

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UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. N. P. Callahan
1 - Mr. J. B. Adams
1 - Mr. T. J. Jenkins

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Telephone Rm.
Director Sec'y

TO : MR. W. R. WANNALL

DATE: May 9, 1975

FROM : MR. W. O. CREGAR

1 - Mr. J. A. Mintz
1 - Mr. J. B. Hotis
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

SUBJECT: SENSTUDY 75

This memorandum reports the results of a meeting between former Assistant to the Director John P. Mohr and representatives of the Staff of the Senate Select Committee (SSC) on the morning of 5/9/75.

Memorandum Legal Counsel to Mr. J. B. Adams dated 5/5/75 recommended that a Bureau representative be available for consultation by Mr. Mohr during the time Mr. Mohr is being interviewed by Staff Members of the SSC 5/9/75. REC-100 62-116395-137

Prior to Mr. Mohr's interview by the Staff of the SSC, Section Chief William O. Cregar met with him. Mr. Mohr was advised that should representatives of the Staff pose any questions to him which could lead to the identification of sensitive sources, sensitive methods of FBI operations or material derived from other U. S. agencies or foreign governments, he could decline to answer such questions until he had an opportunity to consult with a Bureau representative. Mr. Mohr understood the purpose of Mr. Cregar's presence and assured him that should the inquiry by Staff Members of the SSC get into these areas of inquiry, he would certainly consult with Cregar prior to responding.

16 MAY 23 1975

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Following our arrival at the New Senate Office Building, Mr. Mohr and Cregar were met by Staff Members Mark Gitenstein, Thomas Dawson, and Lester B. Seidel. As we proceeded to the office where the interview was to be conducted, Mr. Gitenstein referred to a previous conference he had with Assistant Director Wannall at Quantico on 5/5/75 at which Mr. Cregar was present. Gitenstein observed that this meeting had proved very, very beneficial and that he believed that future personal contacts between members of the Senate Select Committee Staff and the FBI could prove useful and allow the SSC Staff to better understand how the FBI was administered at Headquarters.

62-116395
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(8)

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84 MAY 23 1975

Memorandum to Mr. W. R. Wannall
RE: SENSTUDY 75
62-116395

The interview of Mr. Mohr began at approximately 10:20 and was concluded at 12:30 p.m. 5/9/75. Mr. Cregar, who was available in an adjacent room, was not called and following the interview, Mr. Mohr assured Mr. Cregar that no sensitive areas were addressed by the Staff Members. Mr. Mohr did indicate that the Staff Members were in possession of FBI documents dealing with the Socialist Workers Party as well as documents obtained by Mr. Carl Stern under the Freedom of Information Act (these are our COINTELPRO documents which we were obliged to provide Stern under the FOI). No substantive questions were directed to Mr. Mohr regarding these documents but apparently were used to permit Mr. Mohr to identify who might be the final authority in approving these documents. As an example, Mr. Mohr noted that in reviewing a sample of these documents, he voiced the opinion Document A probably would have been approved by an Assistant Director whereas Document B might have received the approval of the Director. Mr. Mohr was unable to identify precisely what documents he was shown.

It was quite apparent from the interview that the Staff of the SSC was trying to understand how the flow of mail proceeded in the FBI under Mr. Hoover's directorship. A classic example of the Staff Members' confusion was their inability to distinguish between an SAC letter from a letter to all SACs. Mr. Mohr attempted to clarify this confusion on behalf of the Staff Members. With regard to SAC letters, the Staff Members asked if there was a file on all SAC letters. Mr. Mohr advised he was not quite sure whether there was a single file containing all SAC letters.

Members of the Staff also asked Mr. Mohr about his securing of Mr. Hoover's office after Mr. Hoover's death. Mr. Mohr told the Committee that the articles which appeared in "The Washington Star" by columnist Jeremiah O'Leary was an accurate recording of his securing of Mr. Hoover's office. Nevertheless the Staff Members desired that Mr. Mohr go over in considerable detail exactly how he did secure Mr. Hoover's office following his death.

Memorandum to Mr. W. R. Wannall
RE: SENSTUDY 75
62-116395

The question of Mr. Tolson's will did arise. Mr. Mohr advised that Hillory Tolson had not decided whether he was going to contest the will. According to Mr. Mohr, he recently had lunch with Hillory Tolson at Mr. Tolson's request at which time Hillory Tolson suggested he was not going to contest the will. However, Mr. Mohr had not seen any documentary evidence of Hillory's decision in this regard.

Finally, the Staff Members asked if Mr. Mohr knew the whereabouts of Miss Gandy or at least her telephone number. He told themhhe did know herewhereabouts and telephone number but promised her he would not reveal them. Mr. Mohr was asked whether Miss Gandy would be available for interview. Mr. Mohr advised the Committee that he would attempt to persuade her to be interviewed providing he, Mr. Mohr, was allowed to be present during the entire interview. The Staff Members interposed no objection to that arrangement and Mr. Mohr indicated to Mr. Gitenstein that he would advise him of Miss Gandy's desires regarding an interview under the conditions stipulated above.

Prior to the onset of the interview with Mr. Mohr, Cregar asked Gitenstein whether a decision would be forthcoming from the SSC regarding the interviews of former employees of the intelligence community by Staff Members of the SSC. Gitenstein stated the the Committee had no problem with the FBI and that if The White House would not interfere he felt satisfactory arrangements between the FBI and the Select Committee could be worked out regarding future interviews of former FBI employees. The thrust of Mr. Gitenstein's comment as well as his general demeanor during the meeting suggested the Staff felt they could work closely with the FBI to the satisfaction of both parties.

ACTION: For information and record purposes.

WRW|TWL

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UNITED STATES GOVERNMENT

# Memorandum

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Director Sec'y

TO : Mr. J. A. Mintz

DATE: 4/14/75

FROM : Mr. W. R. Wannall

SUBJECT: CONGRESSIONAL TESTIMONY

House Select Committee on Intelligence

Reference Mr. Heim memorandum to Mr. Moore dated 4/10/75, enclosing edited version of paper entitled "Dissertation on Procedures for Opening, Closing and Maintaining Domestic Security Cases in Pending Status."

INTD has no objection to the edited version.

ACTION:

Legal Counsel Division review edited version for legal considerations.

ALL:vb
(6)

1 - Mr. J. A. Mintz
1 - Mr. D. W. Moore, Jr.
1 - Mr. W. R. Wannall
1 - Mr. A. B. Fulton
1 - Mr. A. L. Lacey, Jr.

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EX-101
REC-20 62-116395-136

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UNITED STATES GOVERNMENT

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Telephone Rm.
Director Sec'y

TO : Mr. Moore

DATE: 4/10/75

FROM : Mr. Heim

LJH

SUBJECT: CONGRESSIONAL TESTIMONY

House Select Committee on Intelligence

Sew134 Reference W. R. Wannall to Adams memorandum dated 4/1/75, and captioned as above which submitted a proposed statement for congressional testimony concerning the opening, closing, and maintenance of domestic security cases in pending status. This Division was to review the statement from a stylistic standpoint.

The statement has been reviewed along these lines and edited.

RECOMMENDATION:

That attached edited version of the aforementioned statement be forwarded to Intelligence Division for review and approval and then submitted to Legal Counsel Division for its review and approval.

Enclosure

1 - Mr. Mintz - Enclosure
1 - Mr. Wannall - Enclosure

TDH/JAH:ltw (6)

2 - ENCLOSURE

REC-20 62-116395-135
EX-101

3 MAY 13 1975

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LEGAL COUNSEL

54 MAY 27 1975

DISSERTATION ON PROCEDURES FOR
OPENING, CLOSING AND MAINTAINING
DOMESTIC SECURITY CASES IN PENDING STATUS



FBI authority to investigate domestic security cases is derived from numerous criminal statutes and Presidential Directives and Executive Orders concerning internal security and employee loyalty matters. Procedurally, the Bureau opens, continues, and closes such cases on the basis of these legal considerations.

Upon receipt of a fact situation from any of a myriad of sources, an Agent must necessarily make a judgment as to whether this situation appears to fall within the scope of FBI jurisdiction.

More specifically, domestic security investigations are initiated when allegations clearly indicate a person, either as an individual or as a member of a group, acts to unlawfully alter the Government in violation of the Smith Act, the Rebellion or Insurrection Statute, the Seditious Conspiracy Statute, or other related enactments. Special emphasis is placed on those engaged in violent furtherance of such illegal acts. A full investigation continues so long as these indications of illegal activity exist.

When allegations do not clearly indicate that activities on the part of an individual fall within this jurisdictional area, self-imposed regulations require that a "preliminary investigation" be conducted. This inquiry consists of obtaining information from established sources (such as records maintained by police departments, local governments, and private agencies); informants; public source information; and FBI records. These investigations are limited to 90 days during which an honest effort is made to distinguish as soon as possible between legitimate political activity and illegal acts. If more than 90 days are required to resolve this question, authority to exceed this period must be obtained from FBI Headquarters. In seeking this extension, a full statement must be made of the allegation, the jurisdictional authority involved, and facts that appear to justify the continuance.

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ENCLOSURE 62-116395-135

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When an allegation is received that a group may fall within existing jurisdictional criteria, FBI Headquarters is immediately notified and a "preliminary investigation" along the lines already indicated is undertaken. Again, approval from FBI Headquarters must be obtained to continue this "preliminary investigation" beyond 90 days to resolve whether jurisdictional standards are met. If met, a full investigation is conducted upon approval by FBI Headquarters.

Internal security investigations are also conducted on the basis of specific instructions from the Attorney General (pursuant to Presidential Directives) to the Director of the FBI. Until the instruction is complied with, these matters remain pending.

Every effort is made to maintain proper administrative control over domestic security investigations and to insure full compliance with the law. In this regard, Bureau rules require Agents to limit investigations to relevant matters. Supervisory personnel in the Field and at FBI Headquarters review the progress and relevancy of these investigations, and reports are forwarded to the Department of Justice. Agents also receive legal instruction on a continuing basis in order that they may be fully able to recognize relevance and safeguard individual rights.

These Bureau procedures have been devised in an honest effort to carry out with maximum effectiveness and propriety our vital domestic security responsibilities. Over the years, the FBI has handled these responsibilities and protected the domestic security of our Nation with great dedication and, I believe, with great distinction. We will continue to vigorously carry out these duties with all due regard for individual rights and liberties. I believe the procedures I have outlined are in full accord with this purpose.

April 14, 1975

DISSERTATION ON PROCEDURES FOR
OPENING, CLOSING AND MAINTAINING
DOMESTIC SECURITY CASES IN PENDING STATUS

FBI authority to investigate domestic security cases is derived from numerous criminal statutes and Presidential Directives and Executive Orders concerning internal security and employee loyalty matters. Procedurally, the Bureau opens, continues, and closes such cases on the basis of these legal considerations.

Upon receipt of a fact situation from any of a myriad of sources, an Agent must necessarily make a judgment as to whether this situation appears to fall within the scope of FBI jurisdiction.

More specifically, domestic security investigations are initiated when allegations clearly indicate a person, either as an individual or as a member of a group, acts to unlawfully alter the Government in violation of the Smith Act, the Rebellion or Insurrection Statute, the Seditious Conspiracy Statute, or other related enactments. Special emphasis is placed on those engaged in violent furtherance of such illegal acts. A full investigation continues so long as these indications of illegal activity exist.

When allegations do not clearly indicate that activities on the part of an individual fall within this jurisdictional area, self-imposed regulations require that a "preliminary investigation" be conducted. This inquiry consists of obtaining information from established sources (such as records maintained by police departments, local governments, and private agencies); informants; public source information; and FBI records. These investigations are limited to 90 days during which an honest effort is made to distinguish as soon as possible between legitimate political activity and illegal acts. If more than 90 days are required to resolve this question, authority to exceed this period must be obtained from FBI Headquarters. In seeking this extension, a full statement must be made of the allegation, the jurisdictional authority involved, and facts that appear to justify the continuance.

When an allegation is received that a group may fall within existing jurisdictional criteria, FBI Headquarters is immediately notified and a "preliminary investigation" along the lines already indicated is undertaken. Again, approval from FBI Headquarters must be obtained to continue this "preliminary investigation" beyond 90 days to resolve whether jurisdictional standards are met. If met, a full investigation is conducted upon approval by FBI Headquarters.

Internal security investigations are also conducted on the basis of specific instructions from the Attorney General (pursuant to Presidential Directives) to the Director of the FBI. Until the instruction is complied with, these matters remain pending.

Every effort is made to maintain proper administrative control over domestic security investigations and to insure full compliance with the law. In this regard, Bureau rules require Agents to limit investigations to relevant matters. Supervisory personnel in the Field and at FBI Headquarters review the progress and relevancy of these investigations, and reports are forwarded to the Department of Justice. Agents also receive legal instruction on a continuing basis in order that they may be fully able to recognize relevance and safeguard individual rights.

These Bureau procedures have been devised in an honest effort to carry out with maximum effectiveness and propriety our vital domestic security responsibilities. Over the years, the FBI has handled these responsibilities and protected the domestic security of our Nation with great dedication and, I believe, with great distinction. We will continue to vigorously carry out these duties with all due regard for individual rights and liberties. I believe the procedures I have outlined are in full accord with this purpose.

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UNITED STATES GOVERNMENT

# Memorandum

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TO : Mr. J. B. Adams

DATE: 4/1/75

FROM : Mr. W. R. Wannall

House Select Committee on Intelligence

SUBJECT: CONGRESSIONAL TESTIMONY

The purpose of this memorandum is to enclose a paper concerning the opening, closing, and maintenance of domestic security cases in pending status requested as set forth in memorandum to Mr. Callahan from Mr. Adams of the same caption, dated 3/7/75. 62-116435-55

Referenced memorandum instructed that the paper was to be non-technical and in a form easily understood for purposes of argument. Legal Counsel Division and writers in the External Affairs Division are to be contacted to coordinate legal aspects and preparation of final paper, respectively.

ACTION:

Legal Counsel Division review attachment for legal considerations.

External Affairs Division review for preparation of final paper.

Enclosure

ALL:vb
(9)

1 - Mr. N. P. Callahan
1 - Mr. J. B. Adams
1 - Mr. T. J. Jenkins
1 - Mr. D. W. Moore, Jr.
1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
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1 - Mr. A. L. Lacey, Jr.

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REC-20 62-116395-134

MAY 13 1975

ENCLOSURE

DISSERTATION ON PROCEDURES FOR
OPENING, CLOSING AND MAINTAINING
DOMESTIC SECURITY CASES IN PENDING STATUS

The FBI opens, continues pending investigation, and closes domestic security cases based on legal considerations. The Bureau is charged with the investigation of violation of numerous criminal statutes, as well as duties imposed by Presidential Directives and Executive Orders concerning internal security and employee loyalty matters.

The procedure for handling such investigation is dictated by the facts and circumstances of each case. Upon receipt of a fact situation from any of a myriad of sources, the Agent must necessarily make a judgment to determine whether these facts reasonably indicate an activity falling within the scope of the FBI's jurisdiction.

Domestic security investigations are initiated regarding individuals when allegations establish that he, individually or as an active group member, acts to unlawfully alter the Government in violation of the Smith Act, the Rebellion or Insurrection Statute, the Seditious Conspiracy Statute, or other related enactments. Special emphasis is placed on those practicing action or violence in furtherance of their goal. If the allegation shows facts clearly within the scope of these statutes, a full investigation is conducted and continues so long as facts exist to indicate a reasonable possibility that these ends could be achieved.

In some instances, allegations regarding the individual do not clearly fall within the scope of authority. Self-imposed restraining regulations require that such inquiry be limited to a "preliminary investigation" consisting of contacts for informational purposes only with established sources, such as police bureaus, records departments of local governments, and private record sources; informants; public source information; and Bureau records. These investigations are limited to 90 days. An earnest effort is made to distinguish as soon as possible between mere unorthodox political views or dissent on the one hand and revolutionary and/or criminal activity on the other. If to exceed 90 days, a report is made to FBI Headquarters specifically stating the allegation, the jurisdictional authority and such facts as would justify continuance of the investigation. A concurrence of Headquarters is necessary for continuance.

When an allegation is received that a group may fall within the jurisdictional criteria, Headquarters is immediately notified and investigation is limited to the "preliminary investigation" as described above. Any investi-

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SEE NOTE PAGE TWO

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gation beyond that is made only upon approval by Headquarters. If such continuance is approved, investigation continues to resolve whether jurisdictional standards are met. If met, and Headquarters' approval obtained, a full investigation is conducted.

Apart from these situations, specific instructions from the Attorney General, pursuant to Presidential Directives, to the Director of the FBI concerning matters of internal security are the basis for investigations. Until the instruction is complied with, these matters remain pending.

Bureau rules require an Agent to limit investigations to relevant matters. Field office and Headquarters supervisors review the progress and relevancy of investigations and reports are forwarded to the Department of Justice. The FBI is ever aware of and controlled by court decisions interpreting the law. Agents receive continuing legal instruction in order to recognize relevance and the rights of persons under the law.

These regulatory procedures are the means by which the FBI implements the responsibilities imposed by the statutes, Presidential Directives, and orders of the Attorney General. An examination of the domestic security problems confronting this Nation would reveal that, as early as 1936, concern arose over "Fifth Column" activities of Communists and Fascists and continued through WW II. This concern has evolved to other threats, through the years, such as the foreign-dominated Communist influence in America during the Cold War, the Ku Klux Klan's interference with the rights of others, the turbulent anti-Vietnam War demonstrations, the urban ghetto riots, and the rise of the racially-oriented organizations preaching revolution and their more violent splinter groups practicing open guerrilla warfare. The FBI, charged by statute and supplemented by Directives to investigate such matters in order to fulfill the duty, promulgated the investigative procedure for a dual purpose. The FBI recognizes not only the duty to investigate, to preserve the Constitution, but the fact the Constitution delineates zones of privacy and individual liberties. These regulatory procedures speak reasonably to both.

NOTE:

See memorandum Mr. W. R. Wannall to Mr. J. B. Adams, dated 4/1/75, captioned "Congressional Testimony," prepared by ALL:vb.

DISSERTATION ON PROCEDURES FOR
OPENING, CLOSING AND MAINTAINING
DOMESTIC SECURITY CASES IN PENDING STATUS

The FBI opens, continues pending investigation, and closes domestic security cases based on legal considerations. The Bureau is charged with the investigation of violation of numerous criminal statutes, as well as duties imposed by Presidential Directives and Executive Orders concerning internal security and employee loyalty matters.

The procedure for handling such investigation is dictated by the facts and circumstances of each case. Upon receipt of a fact situation from any of a myriad of sources, the Agent must necessarily make a judgment to determine whether these facts reasonably indicate an activity falling within the scope of the FBI's jurisdiction.

Domestic security investigations are initiated regarding individuals when allegations establish that he, individually or as an active group member, acts to unlawfully alter the Government in violation of the Smith Act, the Rebellion or Insurrection Statute, the Seditious Conspiracy Statute, or other related enactments. Special emphasis is placed on those practicing action or violence in furtherance of their goal. If the allegation shows facts clearly within the scope of these statutes, a full investigation is conducted and continues so long as facts exist to indicate a reasonable possibility that these ends could be achieved.



In some instances, allegations regarding the individual do not clearly fall within the scope of authority. Self-imposed restraining regulations require that such inquiry be limited to a "preliminary investigation" consisting of contacts for informational purposes only with established sources, such as police bureaus, records departments of local governments, and private record sources; informants; public source information; and Bureau records. These investigations are limited to 90 days. An earnest effort is made to distinguish as soon as possible between mere unorthodox political views or dissent on the one hand and revolutionary and/or criminal activity on the other. If to exceed 90 days, a report is made to FBI Headquarters specifically stating the allegation, the jurisdictional authority and such facts as would justify continuance of the investigation. A concurrence of Headquarters is necessary for continuance.

When an allegation is received that a group may fall within the jurisdictional criteria, Headquarters is immediately notified and investigation is limited to the "preliminary investigation" as described above. Any investi-

gation beyond that is made only upon approval by Headquarters. If such continuance is approved, investigation continues to resolve whether jurisdictional standards are met. If met, and Headquarters' approval obtained, a full investigation is conducted.

Apart from these situations, specific instructions from the Attorney General, pursuant to Presidential Directives, to the Director of the FBI concerning matters of internal security are the basis for investigations. Until the instruction is complied with, these matters remain pending.

Bureau rules require an Agent to limit investigations to relevant matters. Field office and Headquarters supervisors review the progress and relevancy of investigations and reports are forwarded to the Department of Justice. The FBI is ever aware of and controlled by court decisions interpreting the law. Agents receive continuing legal instruction in order to recognize relevance and the rights of persons under the law.

These regulatory procedures are the means by which the FBI implements the responsibilities imposed by the statutes, Presidential Directives, and orders of the Attorney General. An examination of the domestic security problems confronting this Nation would reveal that, as early as 1936, concern arose over "Fifth Column" activities of Communists and Fascists and continued through WW II. This concern has evolved to other threats, through the years, such as the foreign-dominated Communist influence in America during the Cold War, the Ku Klux Klan's interference with the rights of others, the turbulent anti-Vietnam War demonstrations, the urban ghetto riots, and the rise of the racially-oriented organizations preaching revolution and their more violent splinter groups practicing open guerrilla warfare. The FBI, charged by statute and supplemented by Directives to investigate such matters in order to fulfill the duty, promulgated the investigative procedure for a dual purpose. The FBI recognizes not only the duty to investigate, to preserve the Constitution, but the fact the Constitution delineates zones of privacy and individual liberties. These regulatory procedures speak reasonably to both.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. J. B. Adams
1 - Mr. T. J. Jenkins
(Enclosures - 2)

TO : MR. J. B. ADAMS

DATE: May 7, 1975

1 - Each Assistant Director

FROM : LEGAL COUNSEL

SUBJECT: SENSTUDY 75

1 - Mr. W. O. Cregar
1 - Mr. J. B. Hotis
1 - Mr. P. V. Daly
1 - Mr. S. F. Phillips

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

Re my memorandum to you 5/5/75 enclosing a request from the Senate Select Committee (SSC) for additional information. Attached to the copies of instant memorandum for Messrs. Jenkins, Ash, Moore, and White are copies of the referenced memorandum and its enclosure.

The following is to delineate individual responsibilities and assignments for securing the information requested by the SSC. Because the request covers areas of operations affecting all Divisions of the Bureau except Office of Planning and Evaluation (OPE), it will be necessary that the very closest coordination and maximum of cooperation be effected in order to implement the SSC request.

In handling this request which deals primarily with the furnishing to the SSC of various Sections of the Manual of Instructions and Manual of Rules and Regulations, as well as information concerning our filing system, and particularly copies of all Bureau forms, we should bear in mind that there are available three options for consideration. One, is to give the requested information or documents. Two, is to not furnish the documents but merely permit their review at FBIHQ. A third option available is to set forth justifying data to support a denial of furnishing the information or documents. Of course, in furnishing any documents, we should bear in mind the option of excising sensitive information.

REC-40 62-116395-133

In delineating the specific responsibilities for the various Divisions, we are designating the Division having primary interest as the one to prepare the necessary material and are

EX-110

62-116395

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indicating in most instances what other Divisions would have an input to furnish the primary Division. Even if auxiliary Divisions are not designated for input purposes, if the primary Division desires the views of another Division, it should obtain same prior to preparing the material.

Because of the involved coordination necessary, it is requested that each Division except OPE designate a representative to appear at a conference at 10:00 A.M. Friday, 5/9/75, in the Intelligence Division Conference Room, Room 4017, JEH Building, where the details for preparation of the necessary material will be discussed.

The following are the assignments corresponding with the 4/30/75 SSC memorandum and its appendices which deal with four main requests.

(1) The portion dealing with Superseded Sections of the Manual of Instructions will be handled by the Training Division which will gather all of the necessary information from Bureau files after which Intelligence Division will review and make a final determination as to the necessary response to the SSC.

(2) Concerning Sections of the Manual of Instructions Not Previously Produced and the corresponding Appendix B, the following assignments are made.

| Section | Subject | Assignment |
|---|---|---|
| 4 | Surveillances and Raids | (Training Division with input to be supplied by the three investigative Divisions. Note should be taken that this Section was previously made available to GAO in connection with its audit of Bureau operations.) |
| 8R | Data Processing Section, Computer Systems Division | (Computer Systems Division) |



CONTINUED - OVER

Memorandum to Mr. J. B. Adams
RE: SENSTUDY 75
62-116395

| Section | Subject | Assignment |
|---|---|---|
| 19 | Applicant and Employee Investigations Conducted for Other Agencies | (Special Investigative Division) (SID) |
| 23 | Bomb Threats, Explosives and Incendiary Devices | (Intelligence Division) (INTD) |
| 27 | Civil Rights | (General Investigative Division) (GID) |
| 28 | Civil Rights Act of 1964 | (GID) |
| 29 | Conspiracy | (GID with input from INTD and SID) |
| 75 | Neutrality Matters | (INTD) |
| 78 | Passports and Visas | (GID) |
| 90 | Selective Service Act | (SID) |
| 102 | Coordination with Other Government Agencies | (INTD with input from GID and SID). |
| 103 | Foreign Police Cooperation | (INTD) |
| 134 | Assaulting the President of the United States and Threats to the President of the United States | (GID) |
| 136 | Antiriot Laws | (INTD) |
| 144 | Police Killings | (GID) |
| 146 | Protection of Foreign Officials and Official Guests of the United States | (INTD with input from GID) |



CONTINUED - OVER

Memorandum to Mr. J. B. Adams
RE: SENSTUDY 75
62-116395

(3) Concerning the Manual of Rules and Regulations and Appendix C, the following assignments are made. For Part I, Section 9 - Disciplinary Matters (Administrative Division). For Part II, Section 1 - Authority - Training - Submission of Information (Training Division); Section 2 - Supervision - Availability - Resident Agencies (Administrative Division); Section 3 - Administration of Offices (Files and Communications Division with input from Administrative Division. Computer Systems Division will supply the input for 3F); Section 4 - Communications (Files and Communications Division with input from the following Divisions: Administrative, INTD, GID, SID, Legal Counsel, and Computer Systems Division); Section 5 - Dissemination of Information (GID with input from INTD and SID); Section 6 - Publications, Press, and Public Contacts (External Affairs Division); Section 7 - Payments - Property (Administrative Division with input from Computer Systems Division); Section 8 - Miscellaneous Regulations (SID with all other Divisions except OPE furnishing appropriate input); Section 9 - Classification - Character - Copies - Abbreviations (Training Division with all other Divisions except OPE furnishing appropriate input).

(4) Concerning Filing System, Files and Communications Division will handle with necessary input from Training Division concerning the request pertaining to all Bureau Forms.

This matter must be given priority, expedite attention by all Divisions bearing in mind that on the one hand, it is absolutely imperative that the review and study be of high quality, and that on the other hand, there be no delay which could result in criticism of the Bureau for not responding promptly to the SSC.

RECOMMENDATIONS:

(1) Assignments to be handled as indicated above.



CONTINUED - OVER

Memorandum to Mr. J. B. Adams
RE: SENSTUDY 75
62-116395

(2) Representatives of all Divisions except OPE attend coordinating conference 10:00 A.M. 5/9/75, Room 4017, JEH Building.

JBH/pvo

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5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

Assoc. Dir. ____
Dep. AD Adm. ____
Dep. AD Inv. ____
Asst. Dir.:
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Comp. Syst. ____
Ext. Affairs ____
Files & Com. ____
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Plan. & Eval. ____
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. J. B. Adams

DATE: 5/6/75

FROM : Legal Counsel

SUBJECT: SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP-2 ALM/JTG

From 10:30 a.m. until 2:45 p.m. on May 6, 1975, Inspector John B. Hotis and I met with Frederick Schwarz, General Counsel to the Senate Select Committee, Committee staffers Burt Wides, Pat Shea and Mike Madigan, and CIA representatives Marvin Smith and Walter Lloyd.

I arranged to attend this conference in an effort to resolve with the Committee staff the procedures that would be followed during interviews of current and former FBI employees by staff representatives. Interviews have been conducted in the recent past by representatives of the Committee, and in the absence of any general understanding as to the procedures we have been advising those persons coming to our attention as prospective witnesses that they may request the presence of a Bureau representative during the interview. Committee staff members have objected to the presence of Bureau representatives and have insisted that the interviews proceed in the absence of any agency representative.

EX-110 REC-35 62-116395-132

At the outset of the meeting today, it became clear that Schwarz, speaking for the members of the Senate Select Committee and for the staff, was opposed to the presence of agency representatives during interviews concerning matters which they described as "abuses." Schwarz explained that the Committee has a responsibility to look into allegations of misconduct or abuse in addition to a broader study of the jurisdiction and operations of the intelligence community. He said that while there would be a willingness on their part to have agency representatives present during interviews concerning general inquiries regarding jurisdiction, they felt that it would be improper and would interfere with the integrity of their investigation if third parties were present during interviews concerning misconduct.

12 MAY 13 1975

1 - Mr. Wannall
1 - Mr. Hotis
1 - Mr. Mintz

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LEGAL COUNSEL

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Schwarz offered as an alternative that the agencies would be advised of the identity of persons to be interviewed and that prior to the interview the agency would contact the witness to explain the authority, the security arrangements made by the Committee for the protection of information, to authorize the witness to answer questions where the witness was bound by a secrecy agreement, and to caution the witness concerning matters of a sensitive nature which should be deferred for discussion with members of the Committee or with the Chairman of the Committee.

I pointed out to Schwarz that unless the FBI was given notice as to the specific subject matter of the interview to be conducted, we would find it most difficult to intelligently assess the sensitivity of the information that might be furnished by the witness. The CIA representatives expressed great alarm that an interview could disclose information without some prior assessment of the potential damage to intelligence collection techniques and sources.

As to these points, Schwarz stated that he would discuss with the members of the Committee a revision of their initial proposal that would include notice to the agency of the identity of a person to be interviewed plus a generic description of the subject matter of the interview followed by a contact by the agency with the prospective witness to assess the sensitivity of the information and to advise the witness of areas of inquiry that must be deferred for special handling by designated members of the Committee or of the Committee staff. Following that contact the Committee representative would proceed to conduct the interview with the understanding that the agency representative would be near-by and immediately available for consultation should the witness have concern as to the degree of sensitivity of information he was being asked to furnish. At the conclusion of the interview, the Committee would make available to the agency a summary of the notes taken during the interview but a transcription of the interview would not be made available either to the agency or to the witness interviewed.

Schwarz stipulated that there may be occasions when the Committee would reserve its right to interview an individual, whether a current employee or a former employee, in secret in order to protect the interview or to insure the completeness and accuracy of his information. I asked Burt Wides whether they had any basis for that concern and he indicated that they did have such a basis, but declined to specify the details.



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Memorandum to Mr. Adams
Re: Senate Select Committee

Inspector Hotis asked whether the on-going interviews would be delayed pending resolution of the differences concerning procedures. Schwarz replied that the interviews will proceed due to time factors. I then requested Schwarz to expedite his discussion with the members of the Committee, to state their proposals in writing in order that we could review them in specific detail, and to let me know as soonas their proposal as approved by the Committee was available for discussion. He agreed to do so and said that probably this could be accomplished by Thursday, May 8, 1975.

OPINION

It was my impression in dealing with Schwarz that he is making an honest effort to conduct the Committee inquiry reasonably and that he is concerned about the public acceptance of the Committee's final product. His concerns about the integrity of the investigation are similar to those that I would express about an FBI investigation. His insistence that interviews of individuals concerning possible misconduct be done alone with the witness appear to me to be reasonable to insure the integrity of their investigation. The compromise we discussed (they would identify the witnesses to us prior to interview and tell us the proposed subject matter of the interview and allow us to consult with the witness prior to interview) seems to be a practical solution to our mutual problem. This solution is not as acceptable to CIA due to their greater need for protection of their covert operations, sources and methods. The Committee has available to it the subpoena power, the authority to conduct public hearings, and a good deal of support by public opinion. Therefore, I conclude that the Committee is likely to discover the full details of events concerning which they inquire whether the FBI cooperates or appears to be reluctant. As to those areas of legitimate concern because of their sensitivity in terms of production of informants or sources and methods of gathering national security intelligence, the Bureau can properly expect an opportunity to provide protection for the information.

If the procedures suggested above are operated in good faith on both sides, the Bureau would be given notice as to the subject matter to be discussed prior to the interview and research could disclose the areas of sensitivity and appropriate action taken to caution the witness against disclosure of such information.



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Memorandum to Mr. Adams
Re: Senate Select Committee

RECOMMENDATIONS:

1. That until procedures are established with the Committee the Bureau continue its present practice of advising prospective witnesses upon their request that they have a right to consult with a Bureau representative during interview.

2. That further discussions of this matter with the Committee await the receipt of their proposed guidelines in writing after approval by members of the Senate Select Committee.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
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Director Sec'y ___

TO : Mr. J. B. Adams

DATE: 5/5/75

FROM : Legal Counsel

SUBJECT: SENATE SELECT COMMITTEE ON INTELLIGENCE Activities

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP2ALM/FTC #M0R16

This morning the Director asked me to inquire into the status of our understanding with the Senate Select Committee as to whether FBI representatives would or would not be present at interviews of former Bureau employees or current Bureau employees. The Director was concerned that the presence of a Bureau representative could be criticized as an attempt to interfere with the Committee's inquiries. I assured the Director that the purpose of such representatives being present was to assist the interviewer and the witness in determining areas of inquiry of particular sensitivity or that might concern a current Bureau operation. The Director agreed that such was an appropriate reason for the presence of a Bureau representative and asked me to consider preparing a letter addressed to Senator Church stating our desire to make available a Bureau representative and the reasons for the presence of such a Bureau representative.

As a result of a conference with representatives of CIA, Roderick Hills of the White House Counsel staff, and others, it was determined that Walter Lloyd of the CIA Legal Staff would continue negotiations with the Committee in behalf of the entire intelligence community to develop procedures concerning the interview of witnesses and the presence of agency representatives at such interviews. Mr. Lloyd was scheduled to meet with Frederick Schwarz, Counsel to the Committee, on Tuesday, May 6, 1975, to discuss such arrangements.

EX-101 REC-3 62-116395-131

I scheduled an appointment with the Deputy Attorney General and met with him at 5:00 p.m. on May 5, 1975, accompanied by Inspector John B. Hotis. I told the Deputy of our concern that the interviews by the Senate Committee are continuing even though no understanding has been reached by the Committee and the intelligence community. I told the Deputy that the Director would like to have some

3 MAY 13 1975

1 - Mr. Wannall
1 - Mr. Hotis
1 - Mr. Mintz
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LEGAL COUNSEL

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formal understanding with Senator Church as to the Bureau's position in regard to such interviews. I reminded the Deputy that our sole concern was to make a representative available to assist in the interviews in the event they touched upon sensitive areas and by no means was our interest to be understood to be an effort to interfere with the Senate Committee's inquiries.

The Deputy said he fully understood our position and agreed. He asked me whether I would be willing to agree to hold off on formal notification to Senator Church until the negotiations to be conducted by Mr. Lloydc could be concluded. I told the Deputy I would agree to that on the condition that I and also Inspector Hotis would participate in the discussions by Lloyd with the Committee representatives. The Deputy Attorney General said that he fully concurred in my condition and if there developed any difficulty in making such arrangements, he would assist in seeing that it was accomplished.

Inspector Hotis advised that Schwarz, the Committee counsel, has arranged a meeting on Wednesday morning, May 7, 1975, with Assistant Attorney General Scalia of the Office of Legal Counsel of the Department. We will also be represented at that meeting.

The Deputy Attorney General told me that he had been advised by Schwarz that a former Bureau Agent, Leo Clark, had objected to the fact that a Bureau representative had contacted him and had indicated a willingness to be present during Clark's interview by the Committee. I again assured the Deputy that our sole purpose in contacting Clark was to be available in the event a Bureau representative was needed to discuss matters of a sensitive nature or matters concerning current Bureau operations. The Deputy said he understood and Clark's complaint was likely the result of a misunderstanding.

RECOMMENDATION:

For information.

2 - Mr. S. F. Phillips

May 14, 1975

MATERIAL FOR SENATE SELECT COMMITTEE (SSC)
INVESTIGATING INTELLIGENCE ACTIVITIES

1. TITLE/SUBJECT: Legal Authorities of the FBI

2. ORIGINATING ORGANIZATION: FBI

3. NATURE OF MATERIAL: Letterhead memorandum (LHM) with enclosures described below.

4. DOCUMENT CLASSIFICATION: Unclassified

5. NATIONAL SECURITY INFORMATION STAMP: NA

6. SUMMARY OF CONTENTS:

In response to a request from the SSC for certain documents and other information, an LHM was submitted as a cover communication to furnish the SSC copies of the following documents.

1. An internal FBI memorandum dated 5/16/72 captioned "FBI Jurisdiction; Criminal Intelligence Information."

2. An internal FBI memorandum dated 5/18/72 captioned "FBI Authority in Domestic Intelligence Matters."

3. A study on subversion prepared for former Acting FBI Director Louis Patrick Gray III dated 5/19/72.

4. A memorandum from the Director of the FBI to the Attorney General dated 8/7/73 recommending the issuance of an Executive Order concerning the conduct of domestic intelligence investigations.

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REC-100 62-116395-130

62-116395

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SEE NOTE PAGE TWO

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GPO 954-546

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7. REQUESTER/DATE OF REQUEST: SSC. 3/19/75

8. RELEASING AUTHORITY: FBI

9. DATE OF SUBMISSION: 4/22/75

10. LOCATION OF FILE COPY: FBI file 62-116395-83

11. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS: None.

NOTE: Original via liaison to Central Community Index in connection with Senstudy 75.

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5010-106

UNITED STATES GOVERNMENT

# Memorandum

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Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams

DATE: 5/7/75

FROM : Legal Counsel

SUBJECT: SENATE SELECT COMMITTEE ON INTELLIGENCE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP-2ALM/TB

At 5:05 p.m. on May 6, 1975, I went to the White House to meet with Mr. Philip Buchen, Counsel to the President; Roderick Hills, Associate Counsel; James Wilderotter, Assistant Counsel; Assistant Attorney General Scalia, Office of Legal Counsel in the Department; John Clark, Associate to the Director of CIA; Walter Lloyd and Marvin Smith of CIA. The meeting was called by Mr. Buchen to discuss the developments that day with regard to the proposal that agency representatives would be present during interviews conducted by investigators of the Senate Select Committee staff.

At a meeting held earlier that day, the General Counsel of the Senate Select Committee had indicated that the Committee disapproved of the presence of agency representatives at interviews concerning alleged "abuses." I explained to Mr. Buchen the alternative proposal offered by F.A.O. Schwarz to the effect that agencies would be furnished the identities of proposed witnesses, the subject matter of the proposed interviews, and permitted an opportunity to review the subject matter and consult with the witness to advise him of sensitive areas that would require special treatment. John Clark agreed that in regard to interviews concerning abuses, it would seem to be necessary for the Committee to proceed with the interview without an agency representative present. After general discussion of the proposal by Schwarz, the meeting concluded with instructions by Mr. Buchen to Wilderotter to draft a statement that might be incorporated into a letter to be addressed to the Committee explaining the Administration's position.

The elements of the proposal would be that as a general rule, agency representatives would be present during interviews concerning matters that were not categorized as abuses and in those exceptional cases

REC-100 62-116395-129

1 - Mr. Wannall
1 - Mr. Hotis
1 - Mr. Mintz

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where abuses would be the subject of interviews, the agencies would be given prior notice of the identities of the witnesses and of the subject matter of the interview, plus an opportunity to consult with the witness prior to the interview. Mr. Buchen also asked that the Committee be requested to provide a letter in each instance identifying the alleged abuse as the subject of the interview and indicating Committee approval of that inquiry. The objective of such a requirement would be to clearly identify those interviews characterized as "abuses" interviews which would require the absence of an agency representative during the actual interview.

I was also asked to contact Schwarz to insure that he would not present to the Committee his counterproposal during the regular committee meeting on Wednesday, May 7, 1975. The purpose of such a request was to avoid the Committee adopting a final proposal regarding interviews prior to the Executive having an opportunity to express its position.

On the morning of May 7, 1975, we spoke with Schwarz, requested him to refrain from offering his counterproposals to the Committee for approval, and in response to his request explained to him that the reason was that the proposals were under discussion and it was necessary for all agencies in the intelligence community to be involved in the determination whether the alternative procedures would be acceptable. Mr. Schwarz agreed to refrain from offering his counterproposals to the Committee today.

At approximately 10:25 a.m. on May 7th, I called Wilderotter and asked what the progress of his preparation of the proposed letter was. He told me that there would be no letter addressed to the Committee because the White House did not desire to escalate this matter and go over the head of the Committee counsel. I told him that I was extremely concerned at the inaction which has resulted thus far in the FBI being in an indefensible position in regard to interviews of former employees. I explained to him that the Committee has not advised us of the interviews that have been conducted and we have learned of them only by calls from the witnesses. I told him that the interviews are still continuing because at the meeting on May 6, 1975, we expressly requested the Committee counsel to discontinue the interviews temporarily until guidelines could be established and the Committee counsel expressly refused to do so.

I told Wilderotter that this morning I received a call from John P. Mohr, former Assistant to the Director, who has broad knowledge



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of FBI matters, in which Mohr told me that he has been called to be interviewed at 10:00 a.m. on Friday, May 9, 1975, at Room G-308 in the New Senate Office Building. Mark Gittenstein was identified as the interviewer. I told Wilderotter this concerned me because we have no basis on which to advise Mr. Mohr as to the appropriate guidelines that may be followed during the course of such an interview and in the absence of knowledge of the subject matter of the interview we have no way of counseling him as to sensitive areas that should be deferred for discussion with members of the Committee or with the Chairman of the Committee.

Wilderotter said he understood myy concern but he saw no way in which the matter could be resolved in time for guidelines to be established for the Mohr interview. He told me he would work on the preparation of a position paper to be used by the White House and the intelligence community to establish a policy that could be discussed with the Committee.

Inspector Hotis and I then at approximately 11:10 a.m. went to a conference already in session in the office of Assistant Attorney General Scalia attended by representatives of the CIA, Department of Defense, NSA, Department of State and the Department of the Treasury. The other agencies were advised of the results of the meeting with the Senate Select Committee staff on May 6, 1975, and a general discussion ensued as to the willingness of the agencies to agree to interviews in the absence of agency representatives. The representatives of the State Department, Mr. Hitchcock and Mr. Jennings, indicated that State was adamant that interviews would not be conducted in the absence of representatives.

I spoke privately with Assistant Attorney General Scalia and advised him of my conversation with Wilderotter and of the fact that John Mohr had been called for interview on Friday, May 9, 1975. I told him of my great concern that Mohr's interview would be sensitive because of his broad knowledge of the Bureau and told him that it was essential that appropriate guidelines be developed concerning such interviews as soon as possible. Scalia told me that he had just finished speaking with Wilderotter and he shared my concern. He then called Wilderotter and subsequently advised me that Wilderotter said that he, Wilderotter, would immediately contact Schwarz to request a postponement of the interview of John Mohr pending the establishment of guidelines. In the event he would be unsuccessful, Roderick Hills and Philip Buchen would discuss the matter with Senator Church and Senator Tower.



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There was a general consensus of opinion at the meeting with the other agencies of agreeing that they would await the development of the position paper by Wilderotter. Walter Lloyd advised that another meeting with Schwarz and the Committee staff would be scheduled for Thursday, May 8, 1975.

Upon my return to my office, Wilderotter called me to report that he had been unsuccessful in having the Mohr interview postponed and further that Schwarz had advised him that he now feels that it would be inappropriate for agency representatives to be present at any interviews whether they concerned abuse or whether they concerned general matters, and further that he felt that it would be inappropriate for the agency to be advised of the subject matter prior to the interview.

At that point, Mark Gittenstein joined the conversation with Schwarz & Wilderotter and advised Wilderotter that he intended to interview Mohr concerning "procedures and how paper moved in the Hoover days," and this would constitute 90% of the interview. The remaining 10% of the interview would concern Hoover's "O. C. Files." Further Gittenstein mentioned that he was aware that John Mohr is the Executor of Mr. Tolson's estate and he may inquire concerning that matter.

Wilderotter said that there would be no further contact with the Committee concerning the Mohr interview and that we should assume the Mohr interview will proceed as scheduled. He said that he would suggest the Bureau contact Gittenstein to discuss any further details regarding the subject matter of the interview of Mohr and that we consider discussing with Mohr prior to the interview matters that he should not discuss with Gittenstein. He also suggested that we debrief Mr. Mohr at the completion of the interview.

I reminded Mr. Wilderotter that there are no guidelines by which the White House or the intelligence community or the Senate Committee have agreed that the FBI should make such arrangements with the witness. I told him that I thought that the FBI would be used as a test case both by the Committee and by the intelligence community if we undertook to negotiate such matters directly with Gittenstein. I told him that I thought that such direct negotiations would undermine the effectiveness of current

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negotiations to establish broad guidelines with the concurrence of the Committee that could be used to effectively limit the scope and manner of interviews currently being conducted by staff investigators. I also told him that I thought it would put the Bureau in a most difficult posture because the intelligence community could well feel that the FBI had brought about the loss of the opportunity to have some effective control over Committee access to sensitive information by negotiating our own agreement with Gittenstein. I told him that certainly the Committee would use us as an example to other intelligence agencies and use our experience to their detriment in establishing limitations on the interviews.

Mr. Wilderotter said that he understood my position and he would continue to work on the policy paper. He asked to be advised of the time the meeting is to be held with Schwarz on May 8, 1975, and I indicated I would so advise him on learning of it myself from Walter Lloyd of CIA who is making the arrangements. I also suggested that it would be appropriate for Roderick Hills, Associate Counsel to the President, to be present at the meeting with Schwarz in order to have a greater chance of resolving these issues promptly. Wilderotter said that he agreed and would attempt to make arrangements for Mr. Hills to be present at the meeting.

RECOMMENDATIONS:

1. That the Bureau provide a representative to be available for consultation by Mr. Mohr as he may request on Friday, May 9, 1975, at 10:00 a.m., in Room G-308, New Senate Office Building.

Bill Cregar [illegible] to contact Mr. Mohr & be avail. [illegible] 5/6

2. That until appropriate guidelines are established by agreement between the Committee, the White House, and the intelligence community, the Bureau not undertake to counsel or debrief Mr. Mohr or any other witnesses concerning the subject matter of interview, pursuant to agreement with individual staff interviewers.

Memorandum to Mr. Adams
Re: Senate Select Committee on Intelligence

RECOMMENDATIONS (CONT'D):

3. That Inspector Hotis and I, if I am available, attend the meeting with Schwarz on Thursday, May 8, 1975.

Airtel

62-116395-

1 - Mr. W. R. Wannall
1 - Mr. D. W. Moore
1 - Mr. E. W. Walsh
4/18/75

To: SAC, Buffalo (157-1681)

From: Director, FBI ~~(157-27812)~~

PERSONAL ATTENTION

KARL EDWARD HAND, JR.
EXTREMIST MATTER - NATIONAL GUARD PARTY
(BUDED: 4/23/75)

1 - Mr. R. E. Gebhardt
(Mr. J. G. Kelly)
1 - Mr. J. A. Mintz
(Mr. R. F. Olmert)
1 - Mr. J. G. Deegan
1 - Mr. W. O. Cregar
1 - Mr. W. D. Fallin
1 - Mr. R. E. Nugent

ReBUairtel dated 4/11/75.

A review of the copy of subject's letter to Senator Frank Church dated 4/8/75 and allegations contained therein concerning Agent personnel of your office requires prompt submission of affidavits in refutation of those allegations where facts so warrant.

Accordingly, and in view of the extreme likelihood of early inquiry concerning these allegations from Senator Church or other recipients of subject's letter, appropriate affidavits should be drawn and submitted by airtel to FBIHQ by the close of business 4/23/75.

In the event one or more of subject's allegations cannot be refuted, you should make specific comment concerning same in your airtel enclosing these affidavits.

An extra copy of this communication is furnished Buffalo for inclusion in its file concerning the National Guard Party.

1 - Pittsburgh

1 - 157-33528 (National Guard Party)

PEN:fb
(15)

SEE NOTE PAGE TWO

Records
cc 62-116395

MAY 16 1975

MAILED 4
APR 17 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/22/01 BY SP-2ALM/SES

Original Filed In 157-27812-12

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

MAIL ROOM TELETYPE UNIT

54 MAY 21 1975

GPO 954-546

Airtel to SAC, Buffalo
RE: KARL EDWARD HAND, JR.
157-27812

NOTE:

Subject is a former leader of the white hate National Socialist White Peoples Party in Buffalo, New York. He presently heads an organization known as the National Guard Party (NGP), a neo-Nazi white hate organization which by its objectives would deny certain minority groups of their civil rights. Referenced airtel enclosed copies of a letter written by subject to Senator Frank Church (Democrat - Idaho) of the United States Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities in which he makes complaint concerning the Bureau's investigation of his organization, himself, and with regard to the arrest of his coleader, William Edward Garrett, in connection with a Federal firearms violation. Subject's letter, copies of which were also directed to Senator John Tower (Republican - Texas) and to the Buffalo "Courier Express," a daily newspaper published in Buffalo, charges the FBI in Buffalo tapped his telephone as well as the telephones of NGP members and supporters; threatened to "frame" subject; threatened to "get" subject; attempted to bribe his personal friends; used "scare" tactics against friends, relatives, employees and businessmen who do the NGP organization's printing; threatened to shoot subject's dogs during arrest of William Edward Garrett; and lied to NGP supporters and businessmen by indicating the NGP group was planning to blow up certain buildings. Subject's letter alleges these activities are in direct violation of the NGP organization's constitutional rights and requests Senator Church conduct investigation concerning same. Appropriate instructions being directed to the Buffalo Division which, in referenced airtel, indicated Special Agents involved in the controversial arrest of Garrett have submitted memoranda categorically denying allegations concerning the arrest. Bureau files contain no information to substantiate allegations of subject.

 NOTE CONTINUED PAGE THREE

Airtel to SAC, Buffalo
RE: KARL EDWARD HAND, JR.
157-27812

NOTE CONTINUED:

This has been coordinated with SA R. F. Olmert of the Legal Counsel Division. Bureau deadline being imposed in view of the nature of the allegations made and current investigation into FBI operational activities by Senator Church's committee.

FD-36 (Rev. 5-22-64)

FBI

Date: 4/11/75

Transmit the following in ____________________ (Type in plaintext or code)

Via AIRTEL AIR MAIL - REGISTERED MAIL (Priority)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/22/01 BY SP2ALM 1876

#MOR16

TO: DIRECTOR, FBI (157-27812)

FROM: SAC, BUFFALO (157-1681) (P)

KARL EDWARD HAND, JR., aka
EM - NGP
(OO: BUFFALO)

SENSTUDY 75

Remylet, 1/23/75, captioned as above; report of SA ROBERT N. SHAW, 10/25/74, at Buffalo, and Buffalo airtel to Bureau, 10/31/74, both captioned "WILLIAM EDWARD GARRETT; EM - NSWPP; UNLAWFUL POSSESSION OR RECEIPT OF FIREARMS, OO: PITTSBURGH."

Enclosed for the Bureau are two (2) typewritten copies and for Pittsburgh one (1) copy by Bureau secretary of letter received by the Buffalo Division on 4/10/75, addressed to The Honorable FRANK D. CHURCH, U. S. Senate, Washington, D.C., dated 4/8/75, which is self-explanatory. Buffalo unable to xerox because of poor quality of carbon copy received. Bureau's attention is drawn to the letter's distribution. For the information of the Bureau, Buffalo "Courier Express" is a daily newspaper published at Buffalo, New York. The letter is allegedly signed by KARL HAND, JR. Authenticity of HAND's letter writing activities confirmed in conversations with BU 1471-E, who alerted Buffalo Office prior to receipt of enclosed letter.

ENCLOSURE

For the information of the Bureau, incident referred to as section "F." in the enclosed letter refers to

2 - Bureau (Encls. 2) (AMRM)
1 - Pittsburgh (157-1640) (Enc. 1) (AMRM)
2 - Buffalo

RFU:cas
(5)

62-116395-1

APR 14 1975

MAY 16 1975

cc 62-116395

157-27812-12

Original Filed In

Approved: ____________________ Special Agent in Charge

Sent __________ M Per __________

the arrest of WILLIAM EDWARD GARRETT (Bureau file 157-22471; Buffalo file 157-1388) by Bureau Agents at Buffalo, New York on 10/23/74 at the residence of KARL HAND, 2213 South Bailey Avenue, Buffalo, New York. GARRETT was arrested based on an authorized complaint and warrant at Pittsburgh, Pennsylvania, charging GARRETT with violation of Title 18, Appendix, Section 1202(a)(1), USC, "Possession of a Firearm by a Convicted Felon". It should be noted that KARL HAND was not present at this arrest and GARRETT was alone in the house.

In that arrest Buffalo advised the Bureau in referenced airtel, dated 10/31/74, of the items observed by Bureau Agents at time of arrest, which were as follows:

The front windows and door of 2213 South Bailey Avenue are completely covered with chicken wire. There were two large German Shepherd dogs on the premises. Upon entering the residence a five-gallon can was observed behind the stove with approximately six axe handles. In the upstairs bedroom there was a fully-loaded Stevens Model 77B 20-gauge shotgun, serial number unknown. In the downstairs bedroom there were several boxes of .22 ammunition and numerous loose 20-gauge shotgun shells.

It is noted that memoranda have been prepared by the SAs who participated in this arrest of GARRETT on 10/23/74, including SA ROBERT N. SHAW, wherein all categorically deny that any attempt was made to incite GARRETT into doing anything against his best interests. In addition, all SAs categorically deny any threat having been made to shoot dogs found on the premises. It is pointed out that GARRETT was alone in the house at the time of arrest and that at no time was KARL HAND present.

It is also pointed out for the information of the Bureau that on 11/7/74, U. S. Magistrate EDMUND F. MAXWELL, Buffalo, New York, released GARRETT and dismissed charge of violation of Title 18, Appendix, Section 1202(a)(1), USC. However, on 11/8/74, the FGJ, Western District of Pennsylvania (WDPA) at Pittsburgh, Pennsylvania, entered a true bill charging GARRETT with violation of Title 18, Appendix,

Section 1202(a)(1), USC and Title 18, Section 922(a)(6) and Section 924(a), USC (State Firearms Control Assistance Act). Bond recommended by AUSA, Pittsburgh was $35,000 cash or surety.

GARRETT was again arrested by a team of Agents led by SA ROBERT N. SHAW on 11/8/74, based on aforementioned indictment in WDPA, for Possession of a Firearm by a Convicted Felon and for violation of the State Firearms Control Assistance Act. At this time KARL HAND was present but the aforementioned arrest was effected on the sidewalk in front of 2213 South Bailey Avenue, Buffalo, New York, without incident. There were no dogs present at this time.

No further action being taken by this Office in regards to the letter of KARL HAND.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. J. B. Hotis

TO : Mr. W. R. Wannall

DATE: 4/14/75

1 - Mr. W. R. Wannall
1 - Mr. L. F. Schwartz
1 - Mr. W. O. Cregar

FROM : W. O. Cregar

SUBJECT: SENSTUDY 75

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

This memorandum reports the results of an Executive Committee Meeting of the Ad Hoc Coordinating Group on Congressional Review for the Intelligence Community on 4/11/75.

The Executive Committee, hereinafter referred to as EXCOM, was chaired by Mr. W. E. Colby in his role as the Director of Central Intelligence (DCI). Present at the meeting were Mr. Roderick Hills, Counsel to the President; Mr. James Wilderotter, Associate Counsel to the President; Mr. Thomas K. Latimer, Special Assistant to the Secretary of Defense, as well as senior officials of State Department, National Security Agency (NSA), Office of Management and Budget, and the National Security Council. Mr. Antonin Scalia, Assistant Attorney General, was scheduled to represent the Department of Justice; however, due to a scheduling foul up Scalia never made the meeting.

The following matters of interest were discussed at this meeting:

SENATOR CHURCH'S STATEMENT

"The Washington Post" edition of 4/10/75 contained the results of an interview with Senator Frank Church, Chairman of the Senate Select Committee (SSC). According to this article, Church stated the Committee reserves the right to make public eventually any documents it receives and is accepting nothing with "strings attached." Mr. Roderick Hills advised the EXCOM that he and Mr. Wilderotter had a meeting with SSC Staff Director, William Miller subsequent to the Church statement. Both Hills and Wilderotter came away from this meeting believing the newspaper report was an overstatement of Church's intent. Considerable discussion followed Mr. Hills' comments. Mr. Colby noted that by letter dated 3/11/75 to Senator Church he confirmed a previous conversation with Senator Church wherein the Senator

Enclosures

REC-100 62-116395-128

15 MAY 13 1975

WOC:lmh lmh
(7)

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ENCLOSURE

MAY 21 1975

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recognized that certain aspects of intelligence activities must receive special consideration and treatment (a copy of Colby's letter is attached). By letter dated 3/12/75, Senator Church confirmed the receipt of Colby's letter and again stated that in the event the SSC inquiry touches on such sensitive areas, Senator Church and Colby should discuss jointly what procedures should be followed (copy of Senator Church's letter is attached).

Following the meeting Mr. Wilderotter advised me that the White House will prepare a letter to Senator Church recognizing that Congress can, at its discretion, declassify material it receives but strongly urging that such declassification action not be taken unilaterally by the Senate Select Committee without the approval of the agency originating the information. Wilderotter stated that the White House expected to speak for the Executive Branch with a strong voice and that individual agencies should take no action regarding the Church statement until the White House has had the opportunity to clear the air with Senator Church.

<u>SECRECY AGREEMENT AND EMPLOYEE NOTICE</u>

Attached is a copy of a CIA employee bulletin dated 3/12/75. This bulletin relieves CIA employees from the secrecy agreement should they be interviewed or should they have to testify before the SSC. At the EXCOM meeting Mr. Wilderotter suggested all agencies of the intelligence community employing a secrecy agreement prepare such an employee notice as well as a letter to Senator Church advising him that the individual agency was relieving their employees from the secrecy agreement. Mr. Colby charged the Security Committee of the United States Intelligence Board (USIB) with preparing a draft of such a bulletin and letter for the guidance of member agencies and departments.

It is the opinion of Assistant Director Mintz concurred IN by the Intelligence Division that a general letter to all employees from the Director releasing them from their obligation under the FBI employment agreement concerning secrecy for purposes of possible interviews by representatives of the Senate



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Select Committee would be unwise. It cannot be predicted what level of FBI employee will be contacted for interview or whether any employee contacted would have sufficient factual knowledge in order to provide a full responsive reply to Committee questions. Moreover, an employee without a full understanding of the material being inquired about may not be aware of the sensitive nature of the answers that might be given.

As written, the employment agreement provides that the burden is on the employee to determine prior to disclosure whether information may be disclosed and that the Director of the FBI is in a better position than the employee to make such a determination. Therefore, it is the opinion of Mr. Mintz and the Intelligence Division that if no general letter of release is issued to all employees, any member contacted for interview may rely upon the provisions of the employment agreement as guidelines for his or her appropriate response. Specifically, such an employee would be obligated to bring to the attention of the Bureau any such request for an interview and in addition, he or she would be obligated to describe the general nature of the inquiry. At such time as request for interviews are made we will be in a better position to determine whether the employee is the appropriate person and to evaluate the sensitivity of the material in question.

REVIEW OF WHITE HOUSE DOCUMENTS BY SENATORS CHURCH AND TOWER:

Mr. Hills advised that both Senators Church and Tower have tentatively agreed to review sensitive White House documents the SSC is interested in in White House space. They have tentatively accepted the fact that should they believe such documents are necessary for retention in SSC files, they will accept a paraphrase of the original document. This arrangement has not been completely agreed to by Senators Church and Tower but Mr. Hills is hopeful such an arrangement can be worked out.

BRIEFING OF THE SSC BY THE INTELLIGENCE COMMUNITY STAFF

Mr. Colby advised that during the week of 4/13/75 he and Mr. John Clarke, Associate Deputy to the Director of Central Intelligence for the Intelligence Community, will brief the Senate



CONTINUED - OVER

Select Committee staff on how the Director of Cental Intelligence manages the intelligence community. Later in the month, Colby is hopeful that those senators making up the Committee will also visit CIA Headquarters for a similar briefing.

KEY ISSUES

My memorandum of 4/7/75 reporting the results of the last EXCOM meeting identified eleven key issues which the White House was particularly interested in (copy of the key issues attached). As reported in the 4/7/75 memorandum the FBI has been designated to prepare the paper entitled "Intelligence Files and Privacy." Mr. J. Dennis Miller, Legal Counsel Division, will prepare this paper. He will work with Mr. John Brock, Office of the Secretary of Defense, as well as Mr. Bob McBrien of Treasury. The White House is very interested in the preparation of these key issue papers and has asked that the person responsible for preparing each paper have ready a comprehensive outline as to how the paper will be constructed on the occasion of the next EXCOM meeting scheduled for Friday 4/18/75.

THIRD AGENCY RULE

Attached herewith is a paper entitled "Third Agency Rule" prepared by CIA's General Counsel. It is designed to acquaint the intelligence community with a background of the third agency rule and to insure that all members of the community adhere to the third agency rule when responding to requests from the Select Committees of the Congress. It is to be noted Mr. Wilderotter expressed the hope that all agencies in the intelligence community will respond to a third agency request within a 48 hour deadline. Both the military and CIA felt such a short deadline was impossible but all indicated they would try to provide responses within 48 hours when clearance to pass information to the Select Committees of Congress under the third agency rule is requested.



CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75

INTERAGENCY REGISTRY

Attached is a memorandum from Mr. Colby to all USIB principals dated 4/10/75 describing the establishment of a registry to insure that the community is kept informed as to materials which will formally be provided to the Select Committee by all elements of the intelligence community. The Colby memorandum notes that in order to make the registry useful it is essential that it include the following:

File copies of documents or other materials which each intelligence community element provides to a Select Committee wherein the originating agency considers the material to involve aspects of community activities. (The Bureau would have very few items of this nature other than agreements or understandings the Bureau might have with other elements of the intelligence community.)

The second requirement of the registry is that an abstract of each response to a Select Committee be provided to the registry for its retention. The Bureau has already established a procedure for providing such abstracts to the registry.

RECOMMENDATIONS:

1. In light of the Church statement in "The Washington Post" and the subsequent conversations the White House has or contemplates having with Senators Church and Tower, it is recommended that we continue to disseminate all responses to the SSC except in those sensitive matters that require close administrative control. In those instances it is recommended that we advise the Staff Director that such information responsive to their request is available at Bureau Headquarters and may be reviewed by himself or a senior staff member of the SSC.



CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75

2. That Liaison Officer Frank Schwartz, the Bureau's representative on the Security Committee of USIB, present the Bureau's position regarding the issuance of an employee bulletin.

OK

5/1/75
D.E. Moore, Chairman, Security Committee advised that Security Committee has not been charged with drafting employee bulletin and he does not expect that it will be.

#MOR16

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[redacted] IS UNCLASSIFIED
DATE 1/19/01 BY SP2ALM/[illegible]

CENTRAL INTELLIGENCE AGENCY
WASHINGTON, D.C. 20505

11 MAR 1975



The Honorable Frank Church
Chairman
Select Committee to Study Governmental
Operations with Respect to Intelligence
Activities
United States Senate
Washington, D. C. 20510

Dear Mr. Chairman:

This letter will confirm and reduce to writing some of the matters agreed upon at our recent meeting.

At the outset, I should like to express my deep personal appreciation for the candor and helpfulness of you and Senator Tower in that meeting and for your sensitivity to the respective responsibilities under our Constitutional framework of the Select Committee and the Central Intelligence Agency in the area of your review. For my part, I should like to renew again, for myself and the CIA, my promise of cooperation with respect to the important work of the Select Committee. In my judgment, a spirit of good faith and cooperative effort is not only necessary to enable your Committee to discharge its responsibilities fully and expeditiously, but is indeed in the best interests of the intelligence community as well. I am convinced that a responsible and thorough review of U.S. intelligence activities will serve to vindicate the CIA and enhance the public's understanding of the important contribution that the intelligence efforts of this nation can make toward the goal of preserving and strengthening our democracy.

I am particularly appreciative of your recognition that certain sensitive aspects of our intelligence activities must receive special consideration and treatment by the Select Committee in the course of your work. As we discussed, such matters as the identities of our sensitive sources, the material provided to us by cooperating foreign intelligence services, the details of technical devices and systems and of operational methods, the identities of certain of our employees who could be targets of kidnapping or assassination, the identities of American citizens and organizations who have cooperated with U.S. intelligence, and some additional materials the public disclosure of which would create serious foreign policy or national security problems, should be protected not only from exposure, but indeed from the risk of exposure. We should also work together to protect certain other information which, if improperly disclosed, might impair the privacy rights of individuals. Where these kinds of considerations are present, I anticipate that appropriate understandings can be arrived at to avoid the risk of exposing such matters and at the same time to satisfy the Select Committee's need for a full understanding of our activities.

As I stated to you, employees of the Central Intelligence Agency will be available to the Select Committee for staff interviews and for testimony. As we have discussed, this might require, in some circumstances, special arrangements to protect the identity of particular employees whose physical safety or future career might be placed in jeopardy by exposure. I anticipate that suitable safeguards can be established to avoid such dangers. I assume the Committee will make its own arrangements with respect to ex-employees as to whom I no longer have the authority to direct their cooperation. However, I am available for whatever assistance I can provide in this regard.

As you are aware, all employees of the Central Intelligence Agency are required to sign a secrecy agreement when they enter on duty. This is a condition of employment, and it requires that they keep forever secret all classified information gained during the course of their employment. The secrecy agreement further requires that they may not disclose classified information, either orally or by publication, without prior authorization from the Director of Central Intelligence. Under the secrecy agreement, an employee's obligations with respect to the protection of classified information continue after his employment with the CIA has been terminated.

It is my desire that the secrecy agreements signed by our employees shall not impair the necessary work of the Select Committee. To accomplish this, and in recognition of the security protection contemplated by the Select Committee, I have determined that disclosure of otherwise protected information to the Select Committee or its designated staff members will constitute an authorized provision of information within the meaning of the secrecy agreements. This letter may be used to indicate such authorization for any Agency employee or ex-employee to furnish information to the Select Committee or appropriate staff members on matters which would otherwise be covered by their secrecy agreement, but which are not among the particularly sensitive matters such as mentioned above. With respect to those particularly sensitive matters, different procedures are obviously necessary. Accordingly, where any matter included in these sensitive categories would be involved in responding to the Committee, the employee should express his concern and, if possible, propose a way of responding to the Committee without exposing such sensitive details. If the Committee believes that a disclosure of those aspects is nevertheless necessary, the matter will be discussed between the Committee and the Agency. I am prepared to consult with the Committee at any time to avoid difficulties in this area and quickly determine together the appropriate course of action to be taken.

With the good faith evident in our discussions on these matters, I believe that these arrangements will enable me to discharge my responsibilities to protect intelligence sources and methods from unauthorized disclosure, while at the same time to provide the Select Committee with all the information it needs to accomplish its task.

As we have agreed, it is in the national interest as well as that of the Select Committee and the U.S. intelligence community to ensure that your review proceed as smoothly and as expeditiously as possible. Toward that end, I have instructed all CIA personnel to respond in a spirit of cooperation.

Sincerely,

W. E. Colby
Director

# THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

10 April 1975



MEMORANDUM FOR: USIB Principals

SUBJECT: Community Aspects of Inputs to Congressional Committees Investigating Intelligence

1. The Intelligence Community Staff, with John M. Clarke, Associate Deputy/IC, as my representative in these matters, will keep the Board and other appropriate officials advised as to progress of the investigations conducted by the Senate and House Select Committees investigating intelligence activities. In particular, it will ensure that we are kept informed as to materials which are formally being provided to the Select Committees by all elements of the Community. The USIB Ad Hoc Group will assist on this matter and provide the mechanism for regular and constant communications.

2. In response to this assignment, the Intelligence Community Staff is establishing a registry for documentation relating to the investigations. This registry will be a source of reference of all responses, testimony, et cetera, provided by USIB agencies and available to your designated representatives.

3. In order to make the registry useful to the Board, it is essential that it include:

a. File copies of documents or other materials which each Intelligence Community element provides to one of the Select Committees where the originating agency considers the materials to involve aspects of Community activities, and/or which may result in follow-on queries concerning the functioning of the Community. The availability of this documentation will be of particular importance if it is expected there will be subsequent inquiries relating to the materials provided and involving elements of the Community other than the originating element.

b. An abstract of each formal input to a Select Committee - unless the Intelligence Community registry is provided with an actual copy of the material itself. A proposed format for such abstracts is attached.

W. E. Colby

Attachment:
As stated

# EMPLOYEE BULLETIN

No. 442 — 12 March 1975

## Senate Select Committee To Review U.S. Intelligence Activities

Senate Resolution 21 established a Select Committee of the Senate to review U.S. intelligence activities. The Resolution calls for a comprehensive review of the total U.S. intelligence effort and is not restricted to the recent charges and allegations against CIA alone. Consequently, it is likely to be far-ranging in its impact.

It is in all of our interests to see that the Select Committee receives full understanding of our activities and their contribution to the country as expeditiously as possible. I have every confidence that the inquiry will be responsible, and constructive, and will produce new understanding of, and improvements in, the American intelligence system.

It is with this conviction that I have pledged my personal cooperation and that of the CIA. I have advised Senators Church and Tower, the Committee Chairman and Vice Chairman, that employees of the CIA will be available to the Select Committee for Staff interviews and for testimony. We are working with the Committee Staff to design procedures to facilitate their work in examining topics of concern.

Attached to this bulletin is a letter which I have sent to Senator Church. To facilitate the necessary work of the Committee and in recognition of the security protection contemplated by the Committee, I have determined that disclosure of otherwise protected information to the Select Committee or its designated Staff members will constitute authorized provision of information within the meaning of the Secrecy Agreements signed by each CIA employee, subject to the special procedures and limitations set forth in the letter regarding particularly sensitive matters. Senator Church has agreed that reference to sensitive data in any Committee report will be subject to consultation between the Committee and the Agency.

The cooperative spirit of our relationship with the Committee and its Staff must at the same time take account of the rights of Agency employees. The Committee Staff has agreed to advise employees of their Constitutional rights at the beginning of any interview or other appearance.

When a current Agency employee is selected to be interviewed by the Select Committee Staff, the Staff Director or Chief Counsel will normally notify Mr. John M. Clarke, who is my principal liaison with the Committee and its Staff. Mr. Clarke, in turn, will notify the employee. The purpose of this is in no way to inhibit the work of the Committee. It is intended to allow time for the employee to gain general legal guidance if he wants it, and to obtain security guidance from an appropriate senior officer.

My own belief is that after a careful review of all U.S. intelligence activities, the Committee will address needed legislative changes and will reaffirm their confidence in the importance and contribution of U.S. intelligence programs.

W. E. Colby
Director

Attachment: a/s

DISTRIBUTION: ALL EMPLOYEES

Issues Identified

1. Economic Intelligence and National Security -- new discussion. — TREASURY + CIA

2. Covert Action and the Law. — CIA ✓OSD.

3. The Intelligence Budget -- open, block or closed -- notional procedures for handling past, present and future. — OMB

4. Joint Congressional Oversight Committee for Intelligence. — CIA and OSD

5. GAO and the Audit Authorities of U.S. Intelligence Agencies. — CIA and OSD

6. Confidential Funds Authorities, Contingency Reserves, Legal Base, History and Use. — CIA and OSD

FBI - Mintz (legal counsel)

7. Cover for Foreign Intelligence Actions, Legal and Administrative Issues. — CIA and State

8. Intelligence Files and Privacy. — FBI and OSD

John Brock, OSD
Bob O'Brien - TREAS

9. The "fact of" question -- international, legal and political considerations. — State

10. "Sources and Methods" Legislation. — OMB and Justice

11. An additional issue (identified by Mr. Hills) address -- adequacy or inadequacy of present classification procedures. - 701 problems - Borrowstown — Legal Office, Justice, was assigned the initial responsibility of drafting a paper with inputs from the Agencies.

12 Executive Branch oversight of - NSC Intelligence Community.

Names are to be forwarded ASAP.

FRANK CHURCH, IDAHO, CHAIRMAN
JOHN G. TOWER, TEXAS, VICE CHAIRMAN
PHILIP A. HART, MICH. HOWARD H. BAKER, JR., TENN.
WALTER F. MONDALE, MINN. BARRY GOLDWATER, ARIZ.
WALTER D. HUDDLESTON, KY. CHARLES MCC. MATHIAS, JR., MD.
ROBERT MORGAN, N.C. RICHARD S. SCHWEIKER, PA.
GARY HART, COLO.
WILLIAM G. MILLER, STAFF DIRECTOR

Executive Registry
75-1266

# United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

Ad Hoc Staff
75-103

March 12, 1975

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/9/01 BY SP2 ALM/TG #MOE16

Mr. William E. Colby
Director of Central Intelligence
Central Intelligence Agency
Washington, D.C. 20505

Dear Mr. Colby:

On behalf of the Senate Select Committee To Study Governmental Operations With Respect to Intelligence Activities, I want to thank your for your letter of March 11, and the copy of the Employee Bulletin you have issued to all CIA employees. As we jointly recognize, in order for the Committee to carry out a thorough inquiry, in accordance with the mandate contained in S. Res. 21, the Agency's full cooperation will be necessary. Your recognition that our mandate authorizes all, past and present, agency employees to cooperate fully, and without impediment due to secrecy agreements, will serve to facilitate our expeditious collection of material relative to that mandate.

I particularly appreciate your statement recognizing our security precautions. As you know, your staff was very helpful to the Committee's staff in designing those precautions.

The Staff Director and the Chief Counsel will, under the direction of the Committee, notify Mr. John Clarke of the members of the Committee who have been designated to carry out studies, inquiries and investigations required to meet the tasks specified in S. Res. 21.

It is the Committee's understanding that the members of the Committee and designated staff will have access to any and all information which the Committee determines is necessary for its inquiry. We recognize, however, that the Committee inquiry may touch on sensitive areas, such as the identity of CIA personnel, sources, or cooperating organizations whose disclosure could place persons in actual jeopardy. In the event that the Committee inquiry touches on such sensitive areas, which matters we have already discussed in our meeting of February 27, we should discuss jointly, and as you suggest quickly, what procedures might be followed should the Committee decide it requires more information in these specific areas.

Mr. William Colby
Page Two
March 12, 1975

I welcome these first steps in close cooperation and hope that it forecasts an expeditious and thorough inquiry that will result in the strengthening of our nation's intelligence activities under the law.

Sincerely,

Frank Church

Frank Church
Chairman

10 April 1975

The Third Agency Rule

1. As early as November 1953, the third agency rule was included in Executive Order 10501, which has now been revoked. Section 7(c) prohibited the dissemination of "classified defense information originating in another Department or agency" to an agency "outside the receiving Department or agency without the consent of the originating Department or agency." The only exception to this rule is that dissemination may be made under the authority of Section 102 of the National Security Act. This section authorizes the Director of Central Intelligence "to correlate and evaluate intelligence relating to the national security, and provide for the appropriate dissemination of such intelligence within the Government using, where appropriate, existing agencies and facilities."

2. Historically, the responsibility of the Director of Central Intelligence to disseminate intelligence has referred to "finished intelligence." This product is the end result of contributions from members of the Intelligence Community. Therefore, in this situation the finished product is a homogenous product and therefore the approval for further dissemination beyond the receiving agency must come from the Director of Central Intelligence.

3. Executive Order 10501 was superseded by Executive Order 11652 which became effective 1 June 1972. This Executive order did not specifically cover the third agency rule. However, it does provide the following controls: Sec. 9. Special Departmental Arrangements. The originating Department or other appropriate authority may impose, in conformity with the provisions of this order, special requirements with respect to access, distribution and protection of classified information and material, including those which presently relate to communications intelligence, intelligence sources and methods and cryptography.

4. In anticipation of the implementation of Executive Order 11652, a directive was issued on May 17, 1972 entitled "National Security Council Directive Governing the Classification, Downgrading, Declassification and Safeguarding of National Security Information." This directive does not contain the term "third agency rule" but does have four subsections which relate to procedures which are similar to what historically had been called the third agency rule. These sections are:

> A.(2) Determination of Need-to-Know. In addition to a security clearance, a person must have a need for access to the particular classified information or material sought in connection with the performance of his official duties or contractual obligations. The determination of that need shall be made by officials having responsibility for the classified information or material.

D. Consent of Originating Department to Dissemination by Recipient. Except as otherwise provided by Section 102 of the National Security Act of 1947, 61 Stat. 495, 50 U.S.C. 403, classified information or material originating in one Department shall not be disseminated outside any other Department to which it has been made available without the consent of the originating Department.

E. Dissemination of Sensitive Intelligence Information. Information or material bearing the notation "WARNING NOTICE -- SENSITIVE INTELLIGENCE SOURCES AND METHODS INVOLVED" shall not be disseminated in any manner outside authorized channels without the permission of the originating Department and an assessment by the senior intelligence official in the disseminating Department as to the potential risk to the national security and to the intelligence sources and methods involved.

F. Restraint on Special Access Requirements. The establishment of special rules limiting access to, distribution and protection of classified information and material under Section 9 of the Order requires the specific prior approval of the head of a Department or his designee.

5. Examples of the application of the third agency rule are:

(a) In a national security estimate, contributions are received from all members of the Intelligence Community, then disseminated to members of the community under the authority of the DCI. Recipients may not disseminate the estimate outside the Intelligence Community without the approval of the DCI;

(b) A CIA intelligence report disseminated to the State Department may not be sent by the State Department to the Department of Commerce without the permission of the CIA;

(c) Information which the CIA furnishes the President's Commission may not be disseminated to other agencies or to the Congress without the concurrences of CIA. Thus, a request from the Congress to the Commission for CIA information should be referred to CIA for action so that the necessary protection of the information can be insured;

(d) If the Navy Department discusses one of its operations with CIA, CIA may not include information about that operation in papers it disseminates to other agencies unless it has received the permission of the Navy Department. The distinction here is that a Navy operation would not be considered part of the finished intelligence mechanism and therefore would not fall within the statutory authority of CIA to disseminate intelligence;

(e) If a State/DOD joint cable is disseminated to CIA, CIA may not send the information to the FBI until CIA has received the concurrence of both State and DOD.

8

CODE TELETYPE URGENT

5/2/75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2 ALM/JTE #MDR16

TO SACS ALEXANDRIA
BALTIMORE
NEW HAVEN
NEWARK
OMAHA

PERSONAL ATTENTION

1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

FROM DIRECTOR FBI (62-116395)

SENSTUDY 75

CAPTIONED MATTER PERTAINS TO BUREAU'S HANDLING OF REQUESTS FROM SENATE AND HOUSE SELECT COMMITTEES TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES. IN CONNECTION WITH WORK OF THESE COMMITTEES, STAFF MEMBERS MAY INTERVIEW CURRENT AND FORMER FBI EMPLOYEES. THE SENATE SELECT COMMITTEE (SSC) STAFF HAS ALREADY INTERVIEWED SOME FORMER EMPLOYEES. NEWARK TELETYPE APRIL 30 LAST "ADMINISTRATIVE INQUIRY; 1964 DEMOCRATIC PARTY NOMINATING CONVENTION, ATLANTIC CITY, NEW JERSEY," REPORTED ADVICE FROM FORMER SPECIAL AGENT JOHN P. DEVLIN THAT HE HAD BEEN INTERVIEWED BY MICHAEL T. EPSTEIN, SSC STAFF MEMBER, CONCERNING DEVLIN'S PART

REC-89 62-116395-12

1 - Personnel File of Each Former SA

SFP:elw (14)

SEE NOTE PAGE THREE

MAY 8 1975

UNRECORDED COPY FILED IN

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FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION
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JUN 11 1975

MAY 16 1975

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GPO 954-546

IN FBI'S ACTIVITIES AT DEMOCRATIC CONVENTION, ATLANTIC CITY, AUGUST 22-28, 1964.

SET OUT BELOW ARE NAMES AND LAST KNOWN ADDRESSES OF FORMER BUREAU AGENTS ASSIGNED TO SPECIAL SQUAD AT ATLANTIC CITY, AUGUST, 1964. EACH OF THESE FORMER AGENTS IS TO BE IMMEDIATELY CONTACTED AND ALERTED THAT THEY MIGHT BE APPROACHED BY THE SSC STAFF. THEY ARE NOT, REPEAT NOT, TO BE ADVISED OF THE AREA WHICH MAY BE COVERED IN ANY INTERVIEW OF THEM BY THE SSC. THEY SHOULD, HOWEVER, BE TOLD THAT IN THE EVENT THEY ARE INTERVIEWED AND DURING THE COURSE OF SAME, QUESTIONS ARE ASKED WHICH RELATE TO SENSITIVE BUREAU OPERATIONS, THEY CAN REQUEST THAT AN FBI AGENT BE PRESENT. CONTACTS WITH THESE FORMER AGENTS TO BE HANDLED PERSONALLY BY SAC OR ASAC. IN THE EVENT THIS NOT FEASIBLE FOR JUST CAUSE, TO BE HANDLED BY A SENIOR SUPERVISOR.

IMMEDIATELY AFTER CONTACT, RESULTS SHOULD BE FURNISHED BUREAU BY TELETYPE IN ABOVE CAPTION. IF A FORMER AGENT NO LONGER IN YOUR TERRITORY OR TEMPORARILY AWAY, SET OUT LEAD TO OTHER OFFICE IMMEDIATELY WITH COPY TO FBIHQ.

NEWARK SHOULD INCLUDE RECONTACT WITH DEVLIN FOR PURPOSE INDICATED ABOVE AND ALSO FURNISH BUREAU ANY INFORMATION DEVLIN MAY HAVE FURNISHED YOUR OFFICE IN ADDITION TO THAT IN YOUR TELETYPE.

TELETYPE TO SACs, ALEXANDRIA ET AL
RE: SENSTUDY 75
62-116395

ALEXANDRIA: HAROLD F. LEINBAUGH, 1643 NORTH VAN DORN, ALEXANDRIA. WILLIAM F. GEORGE, 8338 WAGON WHEEL ROAD, ALEXANDRIA

BALTIMORE: DONALD G. HANNING, 18 OXFORD STREET, CHEVY CHASE

NEW HAVEN: HOBSON H. ADCOCK, 65 GLENBROOK ROAD, STAMFORD, CONNECTICUT.

NEWARK: LEO THOMAS CLARK, 1421 ATLANTIC AVENUE, ATLANTIC CITY. JOHN PATRICK DEVLIN, 39 BENNINGTON ROAD, LIVINGSTON, NEW JERSEY. HOWARD J. WILSON, 30 CAMPBELL ROAD, SHORT HILLS, NEW JERSEY.

OMAHA: JOHN J. QUINN, IOWA LAW ENFORCEMENT ACADEMY, JOHNSTON, IOWA

NOTE: Addresses are most recent available in personnel files of these former Agents. The Newark teletype mentioned was sent up with an informative note advising that we had checked with Mr. James Wilderotter, Associate Counsel to the President, and he interposed no objection to our contacting former Agents who participated in the special squad we had at Atlantic City in 8/64 and advising them they might be approached for interview by the SSC. Assistant Director Mintz concurred in the Intelligence Division recommendation that we, on approval, contact the former Agents as indicated in this outgoing teletype. Deputy Associate Director J. B. Adams advised of his agreement with this recommendation and for instructions to go forward to the field.

Howard J. Wilson, one of the former Agents designated to be contacted, resigned for family reasons after being censured, suspended, placed on probation, and transferred for unsatisfactory work performance detected during an inspection of the Newark Office. However, there is no evidence in his personnel file suggesting Wilson is hostile to the Bureau and the INTD believes he should be included among those former Agents to be contacted.

4-312 (Rev. 12-11-73)

Date of Mail 5/8/75

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

[redacted] ALL INFORMATION CONTAINED ON THIS FORM #MDR16
[redacted] IS UNCLASSIFIED
DATE 1-19-01 BY SP2ALM/ETG

Subject JUNE MAIL U.S. SENATE SELECT COMMITTEE TO STUDY GOVERNMENTAL OPERATIONS WITH RESPECT TO INTELLIGENCE ACTIVITIES

Removed By 7 9 MAY 1 9 1975

File Number 62-116395-126

Permanent Serial Charge Out

DOJ/FBI

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

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TO : Mr. J. B. Adams

DATE: 4-9-75

FROM : Legal Counsel

#MOR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-19-01 BY SP-2 ALM/JTG

SUBJECT: SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

During various contacts with William Miller, Staff Director of the Senate Select Committee, and Congressman Lucien Nedzi (D-Mich.), Chairman of the House Select Committee, the question has come up regarding the need for a check of the private offices of individual Committee Members to assure the absence of any electronic listening devices. The Committee personnel have been told that we consider this absolutely essential and they agreed.

In exploring this matter, it was determined that the Capitol Police Department recently has established a special unit to handle all types of security problems within the Capitol Hill complex, including checks for electronic listening devices. Personnel of this unit have received extensive training, some from CIA. The operations of the unit are controlled through the Sergeants at Arms of the House and Senate.

*Subsequent discussion with Chief James Powell, Capitol Police Dept. reveals this is not true. DWB 4-17-75.*

This matter has been discussed with Robert Hough, Deputy Sergeant at Arms of the Senate, and with Kenneth Harding, Sergeant at Arms of the House. Hough advised that the special unit already has conducted complete security surveys of the new office space of the Senate Select Committee and certainly will perform any other checks of this type needed by the Committee or its individual Members. He said, in fact, that since they now have this capability they would oppose any outside agency coming on to the Hill to perform this function. Hough said he already has been in contact with Miller regarding the necessary security checks and stated he will let us know when the offices of the Senate Select Committee/Members have been checked. He said their rules require specific requests from the individual Members in writing.

62-116395-125

REC-100

1 - Mr. Adams
1 - Mr. Wannall
1 - Mr. White
1 - Mr. Mintz
1 - Mr. Cregar
1 - Mr. Farrington
1 - Mr. Bowers

XEROX
JUN 11 1975

MAY 6 1975

DWB:kjs (9)

CONTINUED - OVER

MAY 14 1975

SEE ADDENDUM PAGE TWO

62-116395

84 MAY 15 1975

Legal Counsel to Mr. Adams Memo
RE: SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES
HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

This matter was discussed with Congressman Nedzi on 4-9-75, and he stated he would promptly contact Mr. Harding to work out the necessary arrangements for security checks needed by his Committee and its Members. Harding has promised to let us know when the checks of the House Select Committee Members have been completed.

All contacts concerning this matter have been handled by Inspector Bowers who will continue to follow this situation with Senate Sergeant at Arms, William Wannall, or his Deputy; House Sergeant at Arms Harding; Mr. Miller of the Senate Select Committee; and Congressman Nedzi.

RECOMMENDATION:

For information.

ADDENDUM: INTELLIGENCE DIVISION WOC:ekw 4/14/75

On 4/11/75 the Executive Committee of the Ad Hoc Coordinating Group on Congressional Review for the Intelligence Community was apprised of the discussions with Mr. Robert Hough, the Deputy Sergeant at Arms of the Senate and with Mr. Kenneth Harding, Sergeant at Arms of the House. Although the Executive Committee would have preferred the FBI to conduct audio sweeps, they interposed no objection to the sweeps being handled by the Capitol Police Department. Mr. Roderick Hills, Counsel to the President, requested, however, that both Mr. Hough and Mr. Harding be requested to periodically advise the FBI as to the sweeps of Committee space for electronic listening devices. Specifically, Mr. Hough and Mr. Harding should be asked to furnish the FBI the following: How frequently they will conduct a counteraudio sweep; what offices will be swept, will the results of such sweeps be furnished the FBI, and will the FBI be immediately notified should the Capitol Police locate an electronic listening device?

5-113a (Rev. 3-21-73)

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP2ALM/JTG #mde16

Intelligence Division

INFORMATIVE NOTE

Date 5/5/75

Attached teletype reports results of contacts by Newark Office with three former Bureau Agents to alert them they might be contacted by staff of Senate Select Committee on Intelligence Activities (SSC). Former SA Leo Clark (e.o.d. 1/11/43; retired 2/1/65; Sr. RA, Atlantic City, New Jersey, 1944 to retirement) was belligerent concerning our contact of him. He had previously testified before Watergate Committee regarding 1964 Democratic Convention in Atlantic City and gave same information to SSC Staff Members 4/17/75. (Clark was one of Agents on FBI special squad at Atlantic City during convention).

**ACTION:**

Copy of this teletype being placed in personnel file of former SA Clark for due consideration should interview of him be entertained in the future.

1 - Mr. J. A. Mintz
1 - General Investigative Division
1 - Inspection Division

SFP:lfj

DOJ/FBI

4-312 (Rev. 12-11-73)

Date of Mail 3/27/75

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.

#MDR16 ON THIS FORM
ALL INFORMATION CONTAINED
[redacted] IS UNCLASSIFIED
DATE 1-19-01 BY SP-2 ALM 1775

Subject JUNE MAIL SENSTUDY -75

Removed By 7 9 MAY 1 9 1975

File Number 62-116395-124

Permanent Serial Charge Out

DOJ/FBI

NR014 NK CODED

9:42PM URGENT 5/2/75 DJP

TO DIRECTOR (62-116395)

FROM NEWARK

SENSTUDY 75

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 02 1975

TELETYPE

ALL INFORMATION CONTAINED
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DATE 1/19/01 BY SP2ALM/TC

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RE: BUREAU TELETYPE TO ALEXANDRIA, MAY 2, 1975.

FORMER SA, LEO THOMAS CLARK CONTACTED MAY, 2, 1975, BY SAC PAUL J. MOHR AND HE WAS TOLD HE MIGHT BE INTERVIEWED BY THE SSC (SENATE SELECT COMMITTEE) STAFF MEMBERS AND THAT IF QUESTIONS WERE ASKED WHICH RELATED TO SENSITIVE BUREAU OPERATIONS HE COULD REQUEST THAT AN FBI AGENT BE PRESENT. CLARK VOLUNTEERED HE WAS SUBPOENAED BEFORE WATERGATE COMMITTEE AND TESTIFIED. ALL THIS MATTER WAS REPORTED IN PRESS. HE ASLSO VOLUNTEERED THAT ON APRIL 17, 1975, HE WAS INTERVIEWED BY COMMITTEE STAFF MEMBERS IN WASHINGTON, D.C. ON SAME MATERIAL REGARDING 1964 DEMOCRATIC PARTY NOMINATION CONVENTION. STAFF MEMBERS WERE MICHAEL EPSTEIN, MONK (MARK) GITERSTEIN, LOCK JOHNSON. HE SAID THEY HAD ALL OF HIS PREVIOUS TESTIMONY AND WENT OVER SAME MATERIAL. AT THE END OF THE CONVERSATION CLARK BECAME BELIGERANT STATING HE ONLY TOLD THE TRUTH REGARDING HIS ACTIVITIES IN THE BUREAU AND ADVISED THE BUREAU TO DO THE SAME. HE WANTED TO KNOW WHAT ASSISTANCE AN AGENT COULD RENDER TO HIM AND WHO INSTRUCTED THAT HE BE CONTACTED AND FOR WHAT REASON. CLARK WAS ADVISED WE MERELY INTENDED TO ASSIST HIM AND HE COULD ACCEPT IT OR NOT.

FORMER SA, HOWARD J. WILSON, SHORT HILLS, N.J., ALERTED BY

REC-100 62-116395-123

MAY 7 1975

PERS. REC. UNIT

COPY RETAINED IN PERSONNEL RECORDS UNIT

Records

cc 62-116406

cc 67-359446 (Clark)
67-534504 (Wilson)
67-220521 (Dsv/in)

84 MAY 15 1975

PAGE TWO

ASAC WILLIAM BAILEY PER RETEL AND WAS APPRECIATIVE AND STATED HE HAD NOT BEEN CONTACTED BUT WOULD ADVISE THE NEWARK OFFICE IF CONTACTED IN THE FUTURE.

FORMER SA, JOHN PATRICK DEVLIN, LIVINGSTON, N.J., CONTACTED BY ASAC WILLIAM BAILEY AND ALERTED PER RETEL AND STATED HE HAD NO ADDITIONAL INFORMATION OTHER THAN SET FORTH IN NEWARK TELETYPE APRIL 30 LAST.

END

HOLD FOR FOUR

MAH FBIHQ ACK FOR ONE

1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall

May 2, 1975

1 - Mr. W. O. Cregar

2 - Mr. S. F. Phillips

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2.2081 BY SP4JOM/ML 6024

ORAL INFORMATION PROVIDED TO THE SENATE SELECT COMMITTEE (SSC) INVESTIGATING INTELLIGENCE ACTIVITIES

1. SUBJECT: Martin Luther King, Jr.

2. WITNESS' ORGANIZATION: Mr. Lish Whitson, retired Special Agent, FBI

3. CLASSIFICATION OF INFORMATION: Unclassified

4. SUMMARY OF CONTENT:

Mr. Whitson was questioned and furnished information concerning the former FBI investigation of Martin Luther King, Jr.

5. DATE OF INTERVIEW AND BEFORE WHOM:

Interview conducted by Mr. Michael Epstein, Staff Member, SSC, in person 4/23/75; supplemented by information Epstein obtained from Whitson telephonically 4/24/75.

6. ORGANIZATION REFERENCE NO: FBI file 62-116395

REC-100 62-116395-

7. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS: None.

10 MAY 13 1975

UNRECORDED COPY FILED IN 100-106670

62-116395

1 - 100-106670 (Martin Luther King, Jr.)
1 - 67-29405 (Personnel File Retired SA Lish Whitson)

SFP:ekw
(10)

NOTE: Original via liaison to Central Community Index in connection with Senstudy 75. Memorandum from W. R. Wannall to J. B. Adams 4/23/75 "Senstudy 75; Former Supervisor Lish Whitson, Assigned Intelligence Division," recommended, and it was approved, that an Abstract would be provided for the records of the Central Community Index concerning the interview of Whitson by the SSC.

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GPO 954-546

84 MAY 15 1975

1 - Mr. McNiff
May 5, 1975 2-Mr.S.F.Phillips

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 2-20-81 BY SP4 JAM

MATERIAL FOR JOINT COMMITTEE ON INTERNAL REVENUE TAXATION

6076

1. TITLE/SUBJECT: FBI's Investigation of Extremist Organizations and Individuals

2. ORIGINATING ORGANIZATION: FBI

3. NATURE OF MATERIAL: Letter from FBI to Mr. Laurence N. Woodworth, Chief of Staff, Joint Committee on Internal Revenue Taxation, dated 4/10/75.

4. DOCUMENT CLASSIFICATION: Unclassified

5. NATIONAL SECURITY INFORMATION STAMP: NA

6. SUMMARY OF CONTENTS: The Joint Committee requested the names of FBI employees who made the decision to provide the Special Service Staff (Activist Organization Committee) of the Internal Revenue Service with FBI reports relating to the FBI's investigation of extremist organizations and individuals. The FBI response was that the matter had been thoroughly researched and it was established that the decision in the above matter was personally made by the late J. Edgar Hoover, then Director of the FBI.

7. REQUESTER/DATE OF REQUEST: Joint Committee on Internal Revenue Taxation. 3/28/75 REC-100 62-116395-121

8. RELEASING AUTHORITY: FBI

9. DATE OF SUBMISSION: 4/10/75 Delivered 5/7/75

10. LOCATION OF FILE COPY: 62-17909-1104 16 MAY 13 1975

11. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS: This matter is of joint interest to the FBI and the Internal Revenue Service.

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62-116395
SFP:ekw (5) ekw

NOTE: Original via liaison to Central Community Index in connection with Senstudy 75. See memorandum R. L. Shackelford to Mr. W. R. Wannall 4/8/75 "Internal Revenue Service Investigations of New Left and Extremist Organizations and Individuals," TJM/dgr.

84 MAY 15 1975 MAIL ROOM ☐ TELETYPE UNIT ☐

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GPO 954-546

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 05 1975

TELETYPE

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NR004 NK CODED

3:55PM URGENT 5/5/75 DJP

TO DIRECTOR (62-116395)

FROM NEWARK

SENSTUDY 75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/9/01 BY SP-2 ALM/ESG

#MDR16

RE BUTELCALL OF SUPERVISOR SEYMOUR PHILLIPS TO SAC, NEWARK, MAY 5, 1975.

FORMER SA JOHN PATRICK DEVLIN WAS RECONTACTED BY ASAC, NEWARK, AND FURNISHED FOLLOWING INFO ON MAY 5, 1975:

HE WAS ORIGINALLY CONTACTED BY THE SENATE SELECT COMMITTEE (SSC) STAFF MEMBER MICHAEL T. EPSTEIN TELEPHONICALLY AT WORK (HERITAGE BANK - IRON, MORRISTOWN, N.J.) A DAY OR TWO PRIOR TO HIS INTERVIEW ON APRIL 25, 1975. MR. EPSTEIN DID NOT INDICATE IN ADVANCE AREA OF INQUIRY CONTEMPLATED AND WHEN ASKED BY FORMER SA DEVLIN HOW HE, EPSTEIN, HAD OBTAINED HIS, DEVLIN'S, PHONE NUMBER AT WORK, EPSTEIN INDICATED, "YOU KNOW, WE'VE GOT WAYS." IN ADDITION, EPSTEIN TOLD HIM THAT THE SSC HAD BEEN GIVEN A BROAD SCOPE OF INQUIRY AND WERE MANDATED TO LOOK INTO THE ACTIVITIES OF VARIOUS INTELLIGENCE GATHERING AGENCIES. EPSTEIN DID NOT MENTION THAT HE HAD ANY TYPE OF CLEARANCE BUT WAS VERY POSITIVE IN HIS POSITION THAT THE SSC HAD BEEN MANDATED BY CONGRESS TO CONDUCT INQUIRIES. EPSTEIN EXHIBITED

REC-100 62-116395-120

18 MAY 13 1975

2cc 62-116395

cc 67-221591 (Devlin)

COPY RETAINED IN PERSONNEL RECORDS UNIT

84 MAY 15 1975

AN IDENTIFICATION CARD CONTAINING HIS PHOTOGRAPH TO IDENTIFY HIMSELF AND HE DID NOT PLACE DEVLIN UNDER OATH. EPSTEIN DID NOT INDICATE WHERE HE HAD RECEIVED INFORMATION REGARDING DEVLIN'S PARTICIPATION IN THE 1964 ATLANTIC CITY CONVENTION AND WHEN ASKED BY DEVLIN, HE INDICATED ONLY THAT, "WE'VE GOT WAYS".

DEVLIN INDICATED THAT EPSTEIN'S INQUIRY WAS CONCERNED PRIMARILY WITH MARTIN LUTHER KING AND THE ELSUR COVERAGE AFFORDED KING. EPSTEIN'S INTEREST APPEARED TO ALSO CENTER AROUND WHO TOLD DEVLIN TO GO TO ATLANTIC CITY AND THE AIMS AND PURPOSES OF THE FBI'S ACTIVITIES AT ATLANTIC CITY. EPSTEIN SEEMED TO BE DRIVING AT THE POLITICAL OVERTONES CONNECTED WITH THE ATLANTIC CITY COVERAGE AND HE ASKED QUESTIONS PARTICULARLY INVOLVING THE LEGITIMACY OF THE FBI'S INVESTIGATION AND WHETHER OR NOT FORMER VICE PRESIDENT HUBERT HUMPHREY AND THE LATE ROBERT KENNEDY WERE MONITORED AS BEING IN CONTACT WITH KING.

FORMER SA DEVLIN INDICTAED HE WOULD IMMEDIATELY ADVISE NEWARK SHOULD HE BE RECONTACTED REGARDING THIS MATTER.

END

MEB FBIHQ CLR

4-312 (Rev. 12-11-73)

Date of Mail 5/2/75

Has been removed and placed in the Special File Room of Records Section.

See File 66-2554-7530 for authority.



Subject JUNE MAIL SENSTUDY -75

79 MAY 19 1975

Removed By

File Number 62-116395-119

Permanent Serial Charge Out

DOJ/FBI

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

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Training ____
Legal Coun. ____
Telephone Rm. ____
Director Sec'y ____

TO : Mr. W.R. Wannall

DATE: 5/1/75

FROM : W.O. Cregar

SUBJECT: SENSTUDY 75

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1/19/01 BY SP2 ALM/TJE

On 4/30/75 Mr. Donald E. Moore, Chairman of the Security Committee, U. S. Intelligence Board, furnished the attached list of Senate Select Committee staff members who have been certified by the Chairman of the Select Committee to the Central Intelligence Agency as having been cleared for access to classified information up to and including Top Secret based upon a background investigation conducted by the FBI within the last five years. Certain of these individuals have also been certified by the Select Committee for access to compartmented classified information in accordance with the requirements of Director of Central Intelligence Directive 1/14.

Copies of the list of staff members are being attached to the tickler copies of this memorandum for retention by personnel who may be in contact with the Select Committee staff.

ACTION:

For information and record purposes.

REC-100

62-116395-118

Enclosure

LFS:tdp (8)
1 - Mr. Adams
1 - Mr. Mintz
1 - Mr. Wannall
1 - Mr. J.C. Farrington
1 - Mr. J.B. Hotis
1 - Mr. Cregar
1 - Mr. Schwartz

16 MAY 13 1975

ENCLOSURE

84 MAY 13 1975

SECRET

| Name | DPOB | SSN | Compartmented Clearances |
|---|---|---|---|
| Aaron, David | 8/21/38 Ill. | 550-44-7971 | SI, TK, BYC 4/15/75 |
| Bader, William | 9/8/31 N.J. | 545-30-3377 | SI, TK, BYC 4/17/75 |
| Baron, Frederick | 12/2/47 Conn. | 494-54-5241 | (S) |
| Benz, Charity I. | 7/23/46 N.Y. | 053-38-7410 | |
| Brooks, Nancy | 2/14/40 Ky. | 313-38-6773 | (S) |
| Carter, Barry | 12/14/42 Cal. | 567-56-8854 | SI, TK, BYC 4/24/75 |
| Chesnik, Barbara | 4/18/46 WI | 390-46-2235 | |
| Davis, Lynn | 9/6/43 FL | 042-36-9155 | SI, TK, BYC 4/17/75 |
| Dawson, Thomas | 9/9/52 Minn. | 471-60-1688 | |
| De Oreo, Mary | 6/13/47 Ohio | 287-42-6258 | |
| Dillon, Molly | 4/16/51 Va. | 150-38-4588 | |
| Dwyer, Daniel | 8/24/52 Ma. | 023-44-8792 | |
| Epstein, Michael T. | 3/10/37 Mass. | 026-28-6318 | (S) |
| Fenn, Peter | 12/12/47 Ma. | 213-50-1128 | SI, TK, BYC 4/24/75 |
| Gitenstein, Mark | 3/7/46 Ala. | 420-60-8767 | |
| Greissing, Edward | 11/27/50 Germany | 296-50-4113 | |
| Hatry, Audrey | 6/10/23 Md. | 216-14-8691 | |
| Inderfurth, Karl | 9/29/46 N.C. | 245-74-5617 | |
| Johnson, Dorothy | 6/8/25 OR | 540-20-6413 | |
| Johnson, Loch | 2/21/42 N.Z. | 566-62-0478 | |
| Kieves, Lawrence | 1/4/48 N.Y. | 068-38-6464 | (S) |
| Kirbow, Charles | 10/2/22 Ga. | 252-12-5112 | SI, TK, BYC 4/24/75 |
| Lombard, Charles | 6/2/30 FR | 578-44-9471 | SI, TK, BYC 4/24/75 |
| Liebengood, Howard | 12/29/42 IN | 307-44-9707 | |
| McDonald, Naldeen | 10/19/51 Brazil | 225-78-8708 | (S) |
| Madigan, Michael J. | 4/18/43 D.C. | 042-34-3797 | SI, TK, BYC 4/15/75 |
| Marshall, Benjamin | 5/4/19 NE | 485-28-4503 | SI, TK. BYC 4/17/75 |
| Maxwell, Eliot E. | 7/24/46 N.Y. | 133-34-4225 | SI, TK, BYC 4/15/75 |
| Mecham, Martha E. | 2/11/40 Ca. | 528-48-6848 | |
| Miller, William G. | 8/15/31 N.Y. | 109-26-4349 | SI, TK, BYC 4/15/75 |
| O'Flaherty, Jas. D. | 11/4/42 Ill. | 239-62-8495 | SI, TK, BYC 4/15/75 |
| Orloff, Jan | 11/14/47 Ca. | 558-74-8394 | (S) |
| Peterson, John F. | 6/15/41 Ca. | 565-56-7707 | |
| Pitts, Susan | 10/24/53 Canada | 020-40-7638 | (S) |
| Romberg, Alan | 12/1/38 N.Y. | 107-30-8583 | SI, TK, BYC 4/22/75 |
| Schwarz, F.A.O. | 4/20/35 N.Y. | 084-30-2047 | SI, TK, BYC 4/15/75 |
| Shea, Patrick | 2/28/48 Utah | 528-64-1965 | SI, TK, BYC 4/15/75 |
| Smith, Stephanie | 3/23/54 OH | 282-58-6476 | (S) |
| Snider, Lewis B. | 1/12/45 N.C. | 246-72-0956 | SI, TK, BYC 4/24/75 |
| Towell, Mary | 4/25/44 TN | 566-64-7628 | |
| Wides, Burton V. | 6/14/41 N.J. | 139-30-1936 | SI, TK, BYC 4/17/75 |

(S)



1-19-01 #moe16
CLASSIFIED BY SP2ALM/JAG
DECLASSIFY ON: 25X1

62-116395-118

ENCLOSURE

1 - Mr. J. A. Mintz
1 - Mr. W. R. Wannall

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-20-97 BY SP4JOM/cu

May 6, 1975

6076

1 - Mr. W. O. Cregar
2-Mr.S.F.Phillips

ORAL INFORMATION PROVIDED TO THE
SENATE SELECT COMMITTEE (SSC)
INVESTIGATING INTELLIGENCE ACTIVITIES

1. SUBJECT: Martin Luther King, Jr.

2. WITNESS' ORGANIZATION: Mr. John P. Devlin, retired Special Agent, FBI

3. CLASSIFICATION OF INFORMATION: Unclassified

4. SUMMARY OF CONTENT:

Mr. Devlin was questioned and furnished information concerning the former FBI investigation of Martin Luther King, Jr.

5. DATE OF INTERVIEW AND BEFORE WHOM:

Interview conducted by Mr. Michael Epstein, Staff Member, SSC, 4/25/75.

REC-100 62-116395-117

16 MAY 13 1975

6. ORGANIZATION REFERENCE NO: FBI file 62-116395.

7. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS: None.

62-116395
1 - 100-106670 (Martin Luther King, Jr.)
1 - 67-220521 (Personnel File Former SA John P. Devlin)

SFP:ekw (9)

100-106670-

UNRECORDED COPY FILED IN

Delivered to SSC 5/9/75

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Director Sec'y

NOTE: Original via liaison to Central Community Index in connection with Senstudy 75. The furnishing of this Abstract is pursuant to procedure previously established in connection with a similar interview by Epstein of former Agent Lish Whitson.

MAIL ROOM ☐ TELETYPE UNIT ☐

84 MAY 13 1975

GPO 954-546

1 - Mr. J. A. Mintz
May 6, 1975 1-Mr.W.R.Wannall
1-Mr.W.O.Cregar
2-Mr.S.F.Phillips

6076

ORAL INFORMATION PROVIDED TO THE SENATE SELECT COMMITTEE (SSC) INVESTIGATING INTELLIGENCE ACTIVITIES

1. SUBJECT: Martin Luther King, Jr.

2. WITNESS' ORGANIZATION: Mr. Daniel J. Brennan, Jr., retired Special Agent, FBI.

3. CLASSIFICATION OF INFORMATION: Unclassified

4. SUMMARY OF CONTENT:

Mr. Brennan was questioned concerning the former FBI investigation of Martin Luther King, Jr., specifically during 1964. However, he was unable to furnish any of the requested information concerning the King investigation as he could not recall any information of the nature desired.

5. DATE OF INTERVIEW AND BEFORE WHOM:

Interview conducted by Mr. Michael Epstein, Staff Member, SSC, 5/2/75.

6. ORGANIZATION REFERENCE NO: FBI file 62-116395.

7. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS: None.

62-116395

1 - 100-106670 (Martin Luther King, Jr.)
1 - 67-428628 (Personnel File Former SA Daniel J. Brennan, Jr.)

SFP:ekw (9)

REC-100 62-116395-116

NOTE: Original via liaison to Central Community Index in connection with Senstudy 75. The furnishing of this ~~Abstract~~ is pursuant to procedure previously established in connection with a similar interview by Epstein of former Agent Lish Whitson.

MAY 13 1975

UNRECORDED COPY FILED IN 100-106670

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Director Sec'y

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 954-546

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. J. B. Adams
1 - Mr. T. J. Jenkins

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Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

TO : MR. J. B. ADAMS

DATE: April 25, 1975

1 - Mr. J. A. Mintz
1 - Mr. A. J. Decker
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar
1 - Mr. S. F. Phillips

FROM : MR. W. R. WANNALL

SUBJECT: SENSTUDY 75
FORMER SUPERVISOR LISH WHITSON
ASSIGNED INTELLIGENCE DIVISION

Reference is made to my memorandum to you 4/24/75 reporting interview by Michael Epstein, Staff Member of the Senate Select Committee on Intelligence Activities, of retired SA Lish Whitson concerning a trip to Miami, Florida, by Whitson in 1964. The trip was for the purpose of mailing a package to the late Martin Luther King, Jr., and indicated we were checking our records for information regarding the expense voucher and Government Transportation Requests (GTR) issued by Whitson and would report our findings.

Jay Deane Cox, Voucher Unit, Data Processing Section, Computer Systems Division, supplied the following information as to the records available concerning Whitson's travel and what the procedures generally are for maintenance of travel and voucher records. The Voucher Unit maintains a Travel Authority Card (TAC) for all investigative and any other FBI employees who have ever had GTRs issued to them. The TACs are retained indefinitely as there is no provision for their destruction. For every voucher processed, there is recorded the voucher period, amount of voucher, date processed and record of any GTRs issued.

62-116395-115

REC-100

The TAC for Whitson reveals entries to show that on 12/9/64 a voucher was processed for payment to Whitson in the sum of $19.40 for travel during the period 11/1-30/64. With that voucher was a memorandum copy of a GTR issued 11/21/64 to National Airlines in the sum of $107.40 for air coach travel, Washington, D.C., to Miami and return. Attached to instant ~~memorandum is~~ a Xerox of the memorandum copy of the GTR, which copy is being retained in the Voucher Unit. Because of the illegibility resulting from Xeroxing,

MAY 16 1975

Enclosure

CONTINUED - OVER

62-116395

1 - 67-29405 (Personnel File Former SA Lish Whitson)

SFP:ekw
(9)

ENCLOSURE

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DATE 1/19/01 BY SP2ALM/ECG

MDR-16

54 MAY 13 1975

Memorandum to Mr. J. B. Adams
RE: SENSTUDY 75, FORMER SUPERVISOR LISH WHITSON
ASSIGNED INTELLIGENCE DIVISION
62-116395

the entries to the GTR have been reconstructed to make them readable on this Xerox. The memorandum copy, which is being retained in the Voucher Unit, is readable. The markings on the reverse side of the Xerox have no bearing on the date of travel but are merely entries relative to the payment to National Airlines. It might be noted that the issue date of this GTR, 11/21/64, has been determined to be a Saturday, which is the day of the week Whitson recalled making the trip to Miami.

According to Cox, the Bureau does not maintain copies of the actual vouchers and there is only a bare possibility that a voucher over 10 years old, such as the one involved in this matter, would be maintained anywhere in the Government, such as at the Federal Records Center.

ACTION:

None. For information.

Void after 19

BILL TO FEDERAL BUREAU OF INVESTIGATION
WASHINGTON, D.C.

A3,925,594

The National Airlines Company is requested to furnish coach class air transportation at lowest rate from Washington DC to Miami, Florida + return such between the respective points for use of Lish Whitson and others with accommodations from to with authorization to transport not over lbs. of excess baggage from

I CERTIFY THAT I HAVE RECEIVED THE TRANSPORTATION SERVICE OR TICKETS REQUESTED EXCEPT AS STATED ON REVERSE SIDE

TRAVELER'S SIGNATURE Lish Whitson

TITLE Special Agent

PLACE OF ISSUE Washington DC Nov 21, '6[illegible]

I CERTIFY THAT THE TRANSPORTATION REQUESTED IS FOR OFFICIAL BUSINESS.

ISSUING OFFICER'S SIGNATURE Lish Whitson

TITLE Special Agent

FISCAL DATA (APPROPRIATION AUTHORIZATION ETC.)

0502
21-70

TRAVELER MUST ASCERTAIN COST OF TRANSPORTATION AND/OR ACCOMMODATIONS AND RECORD IN SPACES BELOW

| TRANSPORTATION AMT. | ACCOMMODATION AMT. | TOTAL |
|---|---|---|
| 107.40 | | 107.40 |

TICKET AGENT WILL NOT ACCEPT THIS

DO NOT FOLD, SPINDLE OR MUTILATE

MEMORANDUM CARD COPY

The United States of America Transportation Request

ENCLOSURE

62-116395-115

ALL INFORMATION CONTAINED
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DATE 1-19-01 BY SP2ALM/[illegible]
#M0016

STANDARD FORM NO. 1169a

Form prescribed by Comptroller General U.S., May 1, 1955, in General Regulations No. 123.

(This space may be used to further identify services required)

## INSTRUCTIONS TO TRAVELERS

1. This memorandum should be forwarded in accordance with administrative instructions.

2. Inasmuch as the memorandum card copy of the transportation request serves a very important administrative record, care must be exercised that such copy is legible and complete in all respects when forwarded.

3. Indicate above the actual services furnished where same varies from that requested. (See paragraph 1 of "CONDITIONS" on reverse of original request.)

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir. ____
Dep. AD Adm. __
Dep. AD Inv. __
Asst. Dir.:
Admin. ____
Comp. Syst. __
Ext. Affairs __
Files & Com. __
Gen. Inv. ____
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Laboratory ____
Plan. & Eval. __
Spec. Inv. ____
Training ____
Legal Coun. ____
Telephone Rm. __
Director Sec'y __

TO : Mr. J. B. Adams

DATE: April 24, 1975

FROM : W. R. Wannall

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1/19/01 BY SP2ALM/STG

SUBJECT: SENSTUDY 75
FORMER SUPERVISOR LISH WHITSON
ASSIGNED INTELLIGENCE DIVISION

Memorandum captioned as above 4/23/75 reported on interview of Mr. Whitson by Michael Epstein, staff member of the Senate Select Committee. The interview related to Whitson's trip to Miami in 1964 at the instructions of former Assistant to the Director William C. Sullivan to mail a package to Martin Luther King.

Whitson telephoned my office twice this morning. At 10:35 a.m. he advised that Epstein had asked him by telephone how Whitson had made the trip to Miami, meaning how it was paid for. Whitson told him he had issued a Government Transportation Request (GTR). Epstein asked whether there was any prior written authorization for Whitson to make this trip and Whitson told him there was none. Epstein asked what kind of record would have been made covering the trip. Whitson explained that the only record that he knew of would be the expense voucher he submitted covering the expenses involved and possibly the copy of the GTR which he had issued. He explained to Epstein the voucher would merely show the GTR had been issued for a round-trip to Miami and how much per diem had been claimed in connection with the trip.

In advising of the foregoing, Whitson stated it was his recollection he had made the Miami trip either in the late Summer or early Fall of 1964 and that Martin Luther King was "away" at the time.

In my absence from the office, Whitson called again at 11:05 a.m. to say that Mr. Epstein asked him as to whether he had registered at the Airport Hotel in Miami and, if so, whether it was under his own name. Whitson told Epstein that he had registered under his own name at this hotel.

REC-100 62-116395-114

MAY 6 1975

ACTION:
We are checking our records for information regarding the expense voucher and GTR issued by Whitson in connection with this trip and results will be reported.

WRW:lml (6)
1 - Mr. Adams
1 - Mr. Mintz
1 - Mr. Cregar
1 - Mr. Wannall
1 - Personnel File of SA Lish Whitson (Out of Service)

84 MAY 13 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir. ___
Dep. AD Adm. ___
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Spec. Inv. ___
Training ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. J. B. Adams DATE: 4-25-75

FROM : Legal Counsel

SUBJECT: SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

HOUSE SELECT COMMITTEE ON INTELLIGENCE ACTIVITIES

Reference Legal Counsel to Mr. Adams memorandum of 4-9-75 to which the Intelligence Division placed an addendum dated 4-14-75 showing that Roderick Hills, Counsel to the President, had requested that the Sergeants at Arms of the Senate and House of Representatives keep the Bureau advised regarding checks made for electronic listening devices in the offices of captioned Select Committees.

This was discussed on 4-23-75 by Inspector Bowers with Senate Sergeant at Arms William Wannall and his Deputy, Robert Hough. They were amenable to notifying us concerning the checks they make of Senate Select Committee space and the offices of the Members of this Committee. Hough was designated by Wannall to handle this matter. Hough advised that the special Capitol Police unit had made a check of Room S146 in the Capitol on that date (4-23-75) prior to a meeting of the Senate Select Committee in that room and found nothing. Hough stated they have received no requests whatever to make any checks of the offices of individual Committee Members. He said he had discussed this matter with William Miller, Staff Director of the Select Committee, and Miller indicated it would be taken up with the Committee but he has heard nothing further from him.

REC-100 62-116395-113

On 4-24-75 Bowers discussed this matter with Kenneth Harding, Sergeant at Arms of the House of Representatives. Harding stated he has had no requests for any checks of the Members' offices or

21 MAY 6 1975

1 - Mr. Adams
1 - Mr. Wannall
1 - Mr. White
1 - Mr. Mintz
1 - Mr. Cregar
1 - Mr. Farrington
1 - Mr. Bowers

DWB:kjs (9)

XEROX JUN 11 1975

CONTINUED - OVER

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2ALM/JTC

62-116464

RECORDED COPY FILED IN

MAY 13 1975

Legal Counsel to Mr. Adams Memo
RE: SENATE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

HOUSE SELECT COMMITTEE
ON INTELLIGENCE ACTIVITIES

space of the House Select Committee since the Committee really has not begun to function as yet. He said he has discussed this matter with Committee Chairman Lucien Nedzi, and he certainly will give us complete accounting of checks they make of this Committee's space and the space of the individual Members of the Committee.

RECOMMENDATION:

For information.

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir.
Dep. AD Adm.
Dep. AD Inv.
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Legal Coun.
Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams

DATE: 3-12-75

FROM : Legal Counsel

SUBJECT: SENSTUDY
DESTRUCTION OF BUREAU FILES
AND RECORDS

Re my memorandum to you dated 2-14-75.

As indicated in referenced memorandum, the Bureau's program concerning destruction of files and records has been suspended until we can determine whether it involves any documents that might be of interest to the Senate Select Committee on Intelligence Activities.

We contacted William G. Miller, Staff Director for the Committee, and he asked that we withhold further destruction of files until the Committee Counsel, who had not been appointed at that time, had an opportunity to review the matter. Mr. F. A. O. Schwarz 3d, a New York attorney, was recently named the Committee's Chief Counsel. It is recommended that representatives of the Files and Communications Division and the Legal Counsel Division meet with Mr. Schwarz and Mr. Miller at the earliest opportunity to resolve this matter.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-19-01 BY SP2 ALM/BCE

RECOMMENDATION:

That representatives of the Files and Communications Division and the Legal Counsel Division meet with the Chief Counsel and Staff Director of the Senate Select Committee on Intelligence Activities to determine whether the Bureau's destruction program can be reinstituted.

REC-56 62-116395-112

21 MAY 2 1975

1 - Mr. Callahan
1 - Mr. Adams
1 - Mr. Jenkins
1 - Mr. McDermott
1 - Mr. Ash
1 - Mr. Wannall
1 - Mr. Mintz
1 - Mr. Farrington
1 - Mr. Hotis

MAY 8 197

JBH:lk (10)

56 MAY 13 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

Assoc. Dir.
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Plan. & Eval.
Spec. Inv.
Training
Telephone Rm.
Director Sec'y

TO : Mr. J. B. Adams

DATE: 4-24-75

FROM : Legal Counsel

SUBJECT: SENSTUDY '75

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2ALM/JTG

SAC Thomas Kitchens of the Louisville Office telephonically advised on 4-23-75 that former Section Chief Fred Baumgardner had been contacted by Michael Epstein, staff member of the Senate Select Committee, and Epstein had sought to arrange an interview of Baumgardner. SAC Kitchens advised Baumgardner requested that a Bureau representative be present during his interview. SAC Kitchens further advised that Baumgardner will telephonically contact SA Paul V. Daly on 4-24-75.

On 4-24-75 at 2:30 p.m., former Section Chief Baumgardner telephonically related that he had been requested to come to Washington for the purpose of being interviewed by Michael Epstein, staff member of the Senate Select Committee. Baumgardner advised Epstein that he would make himself available for interview but at his office at 970 South 4th Street, Louisville, Kentucky, telephone number 584-5183. Mr. Baumgardner expressed concern regarding the interview pointing out that he was Section Chief in the Intelligence Division for some 18 years and during the time was continually dealing with very sensitive matters which he felt were not the proper subject matter of discussion with people outside the FBI. Additionally, he pointed out he has been out of the Bureau for some eight years and since he is not aware of current Bureau operations he, therefore, requested the Bureau have a representative present during the interview and that the Bureau representative so designated be thoroughly familiar with Intelligence Division operations so that he might be made aware of those areas which are sensitive and might compromise current Bureau investigations. He suggested that the Bureau representative should arrive sometime the day before the proposed interview which is 4-29-75 so that he may have a preliminary discussion with the Bureau representative concerning those areas in which he has knowledge of and may be sensitive.

REC-56 62-116395- EX-110 MAY 1 1975

RECOMMENDATION:

That a representative of the Intelligence Division be made available to be present during the interview of former Section Chief Baumgardner to assist Mr. Baumgardner in insuring that he does not divulge or compromise sensitive material.

1 - Mr. Wannall
1 - Mr. Mintz
1 - Mr. Cregar
1 - Mr. Farrington
1 - Mr. Hotis
1 - Mr. Daly

PVD:dkg (8)

MAY 14 1975

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27

5010-106

UNITED STATES GOVERNMENT

# *Memorandum*

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
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Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

TO : Mr. J. B. Adams

DATE: May 1, 1975

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 2-20-81 BY SP4

FROM : W. R. Wannall

SUBJECT: SENSTUDY 75
FORMER SUPERVISOR LISH WHITSON
ASSIGNED INTELLIGENCE DIVISION

Previous memoranda have reported former Supervisor Whitson's contact with the Bureau to report concerning an interview of him conducted by Michael Epstein, staff member of the Senate Select Committee on Intelligence Activities on 4/23/75. The interview related to Martin Luther King, Jr.

On 4/30/75 Whitson telephoned my office to report that he had been trying to establish in his mind the specific date when he made a plane trip from Washington National Airport to Miami, Florida. He had previously said he thought it was in the late Summer of 1964. During a subsequent call he fixed the time as the late Summer or early Fall of 1964. During his contact, 4/30/75, Whitson stated that to the best of his recollection, this plane trip took place in October, 1964. The Bureau's appreciation for his call was expressed to Whitson.

Memorandum 4/25/75 in captioned matter has reported the location of information from the files of the Voucher Unit, Data Processing Section, showing that Whitson traveled by plane to Miami utilizing a GTR issued 11/21/64. It has been determined this date was on a Saturday, it being noted Whitson previously stated he made the trip to Miami on Saturday and the return trip the next day, a Sunday.

REC-106 62-116395-110

**ACTION:**

None. For information and record purposes.

MAY 7 1975

WRW:lml (6)
1 - Mr. Adams
1 - Mr. Mintz
1 - Mr. Cregar
1 - Mr. Wannall
1 - Personnel File of SA Lish Whitson (Out of Service)

UNRECORDED COPY FILED IN 100-106670

cc-100-106670 (King)

Ad Hoc Staff
75-464

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

30 APR 1975

Intelligence Community Staff

File

MEMORANDUM FOR: Members of the USIB Ad Hoc Coordinating Staff

SUBJECT : Security Clearances

Senstudy - '75

On 25 April 1975, we provided you a listing of the security clearances to date for members of the Senate Select Committee Staff. Attached is a listing of eight additional Staff personnel certified by Mr. William G. Miller, Staff Director, as meeting the requirements of Executive Order 10450 for access to classified information up to and including Top Secret.

for Jack E Thomas
John M. Clarke
Associate Deputy to the DCI
for the Intelligence Community

Attachment: as stated

REC-106 62-116395-109

16 MAY 7 1975

ENCLOSURE

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2 ALM/ITG

30 April 1975

Staff Members of the Senate Select Committee on Intelligence Activities who have received a security investigation by the Federal Bureau of Investigation within the past five years and are certified as meeting requirements of EO 10450 for access to classified information up to and including Top Secret.

| NAME | DATE & PLACE OF BIRTH | | SOC. SEC. NO. |
|---|---|---|---|
| Belva Brissett | 6-23-41 | Oklahoma | 440-44-6374 |
| Margaret Carpenter | 8-27-44 | California | 555-62-6129 |
| Joan Erno | 8-30-46 | D. C. | 215-46-2988 |
| Arthur Harrigan | 3-16-44 | New York | 141-34-1031 |
| Diane LaVoy | 11-10-48 | Venezuela | 165-40-3119 |
| James Rowe | 6-6-51 | D.C. | 579-62-6719 |
| Elizabeth Smith | 6-21-49 | New York | 076-42-0199 |
| Martha Talley | 9-7-50 | No. Carolina | 245-88-1368 |



ENCLOSURE

62-116395-107

OPTIONAL FORM NO. 10
MAY 1962 EDITION
GSA GEN. REG. NO. 27
5010-106

UNITED STATES GOVERNMENT

# Memorandum

1 - Mr. J. B. Adams
1 - Mr. J. A. Mintz
1 - Mr. E. W. Walsh

TO : Mr. W. R. Wannall

DATE: 4/22/75

1 - Mr. J. B. Hotis
1 - Mr. W. R. Wannall
1 - Mr. W. O. Cregar

FROM : W. O. Cregar

SUBJECT: SENSTUDY 75

Assoc. Dir.
Asst. Dir.:
Admin.
Comp. Syst.
Ext. Affairs
Files & Com.
Gen. Inv.
Ident.
Inspection
Intell.
Laboratory
Plan. & Eval.
Spec. Inv.
Training
Legal Coun.
Telephone Rm.
Director Sec'y

This memorandum reports the results of an Executive Committee meeting of the Ad Hoc Coordinating Group of Congressional Review for the Intelligence Community on 4/21/75.

The Executive Committee, hereinafter referred to as the EXCOM, was chaired by Mr. John Clarke, Associate Deputy to the Director of Central Intelligence (DCI) for the Intelligence Community, in the absence of Mr. William Colby (DCI), who had been called to the Hill to testify on the current situation in Vietnam. Present at the meeting were Mr. Philip Buchen and Mr. Roderick Hills, Counsels to the President; Mr. James Wilderotter, Associate Counsel to the President; Mr. Thomas K. Latimer, Special Assistant to the Secretary of Defense, as well as senior officials of the State Department, National Security Agency (NSA), Office of Management and Budget, and the Treasury Department. Mr. Antonin Scalia, Assistant Attorney General, was scheduled to represent the Department of Justice but failed to appear.

The following matters of interest were discussed at the meeting:

KEY ISSUES

The purpose of the key issue papers is to completely familiarize the White House with all facets of certain key issues which could arise from Senate Select Committee (SSC) deliberations. It is hoped these key issue papers will permit the President's Counsel to be a more articulate advocate of the intelligence community should any of these issues by raised.

REC-106 62-116395-108

Enclosures

16 MAY 7 1975

62-116395

WOC:lmh

(7)

CONTINUED - OVER

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP-2 ALM/ [illegible]

ENCLOSURE

MAY 1975

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75

Memorandum Cregar to Wannall dated 4/14/75 reported that Mr. J. Dennis Miller of the Legal Counsel Division was preparing the key issue paper entitled "Intelligence Files and Privacy." A copy of the outline for this paper was presented to the EXCOM with the commitment that a draft of the paper would be ready for review in the next two to three weeks.

Another key issue paper is one being prepared by Mr. Warren D. Magnusson of CIA entitled "G. A. O. and the Audit Authorities of U. S. Intelligence Agencies." Mr. Wilderotter suggested Mr. Magnusson consult with the FBI inasmuch as the Bureau was currently being audited by GAO. Mr. Robert Finzel of the Intelligence Division maintains liaison with GAO representatives auditing the Intelligence Division. Mr. Finzel's name will be furnished Mr. Magnusson for consultation purposes in line with the suggestion from Mr. Wilderotter.

WHITE HOUSE RESPONSES TO SSC REQUESTS

Enclosed is a copy of a memorandum from James A. Wilderotter to Mr. John Clarke dated 4/16/75. The memorandum advises that the White House provided copies of the Colby report (including annexes), as well as a list of documents to the Senate Select Committee on 4/14/75. The Colby report is the document prepared for the President following the Seymour Hersch articles which appeared in "The New York Times" alleging CIA was engaged in massive domestic surveillances.

GUIDELINES FOR PARAPHRASING CERTAIN DOCUMENTS PROVIDED TO THE SELECT COMMITTEES

Memorandum Cregar to Wannall dated 4/7/75 attached a copy of sanitization guidelines for documents provided to Congressional Select Committees. Attached to this memorandum are new guidelines entitled "Guidelines for Paraphrasing Certain Documents Provided to the Select Committees." In essence the attachment is almost identical to the sanitization guidelines. The reason for the change is the White House prefers the word "paraphrase" rather than "sanitization." Thus, guidelines under the paraphrasing description were promulgated.



CONTINUED - OVER

Memorandum to Mr. W. R. Wannall
Re: Senstudy 75

LETTER TO THE ATTORNEY GENERAL FROM SENATOR EDWARD M. KENNEDY

Attached hereto is a copy of a letter Senator Kennedy has directed to the Attorney General. Copies of this letter were furnished to the EXCOM by Mr. Wilderotter. In furnishing a copy of this letter, Mr. Wilderotter noted that the Department of Justice would handle the response to Senator Kennedy after consultation with individual agencies as well as the White House. Wilderotter was furnishing a copy to members of the EXCOM for coordination purposes. He further advised that the Department of Justice's response would be made a matter of record with the Interagency Registry.

ACTION:

For information and record purposes.

WOC TWL/FSP wRW

JBK/PLM

SECRET ATTACHMENT

Ad Hoc Staff
75-331

THE WHITE HOUSE
WASHINGTON

April 16, 1975

MEMORANDUM FOR: DR. JOHN M. CLARKE
Associate Deputy to the DCI
for the Intelligence Community

FROM: JAMES A. WILDEROTTER JW

On Monday, April 14, the White House provided copies of the "Colby Report" (including the annexes) and the attached list of documents to the Senate Select Committee as classified documents. NSCIDs 4, 5, and 6 -- as well as the obsolete and superseded NSCIDs corresponding to them -- were not provided to the Committee.

#m0216
ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-19-01 BY SP2 ALM\JTG

SECRET ATTACHMENT

ENCLOSURE
62-116395-108

#mor16
ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-19-01 BY SP2ALM/276

SECRET

# LIST OF DOCUMENTS TO BE RELEASED TO THE SENATE SELECT COMMITTEE ON INTELLIGENCE ACTIVITES

1. National Security Council Intelligence Directives (NSCIDs) -- These directives prescribe the organization and division of responsibility of the various elements of the intelligence community; provide procedures for the collection and production of overt intelligence; establish a communications system for the rapid reporting of critical intelligence information; and establish the National Photographic Interpretation Center.

2. Obsolete and Superseded NSCIDs -- These documents predate the existing directives (in item #1 above) but provide essentially the same guidance under the bureaucratic structure established by previous administrations.

3. Letter from President Nixon to Director Helms -- This letter, issued following a major review and restructuring of the intelligence community, set forth the Director's responsibilities and established goals to channel his further effort. 11/5/71

4. NSAM 57 - Paramilitary Operations -- This memorandum defines paramilitary operations; states US policy for rendering assistance to such operations overtly or covertly and establishes a procedure for the planning and approval of paramilitary operations. 6/28/71

5. NSAM 124 - Establishment of the Special Group (Counter-Insurgency) -- This 1962 memorandum set forth procedures for ensuring the use of all available government resources in preventing and resisting subversive-insurgency and related forms of indirect aggression in friendly countries.

6. NSAM 196 - Establishment of an Executive Committee of the National Security Council -- This 1962 memorandum established a committee to serve as a crisis management group during the Cuban missile crisis.

7. NSC 5511 -- Establishment of a Net Evaluation Subcommittee -- This 1955 directive established a subcomittee of the NSC for the purpose of providing estimates of the capability of the USSR to inflict direct injury on the US in time of general war.

8. NSAM 5815 - Comparative Evaluation Group -- This 1958 directive established an inter-agency body to prepare comparative evaluations of the US and Soviet weapons systems.

9. NSAM 303 - This 1964 document changed the name of the Special Group (5412) to the "303 Committee". (The predecessor body documentation is at Tab B).

10. NSAM 327.--This 1965 memorandum disestablishes the net evaluation Subcommittee of the NSC.

11. NSDM 40 - Covert Operations.-- This directive provides authority and sets forth procedures and responsibility for the planning, approval and conduct of covert operations. It also brings a number of Defense reconnaissance activities under the cognizance of the 40 Committee.

12. NSDM 224-- This 1973 directive established a Net Assessment Standing Committee to carry out intelligence assessments as directed by the NSC.

13. NSDM 239 - National Net Assessment Process -- This directive transferred responsibility for management of the subject program from the NSC to the Department of Defense.

14. NSDM 253 -- This 1974 memorandum updated the membership of the NSC Intelligence Committee.

15. The balance of documents included herein consist of unclassified reports, diagrams and press releases concerning the organization and functioning of the NSC and the Intelligence Community.

THE DIRECTOR OF CENTRAL INTELLIGENCE
WASHINGTON, D. C. 20505

21 April 1975

MEMORANDUM FOR: Members of the USIB Ad Hoc Coordinating Group

SUBJECT : Guidelines for Paraphrasing Certain Documents Provided to the Select Committees

1. Attached is a guidance paper, subject as above, prepared by the USIB Security Committee, and approved by the Director of Central Intelligence.

2. In the interest of commonality in our approach to the matter of paraphrasing sensitive documents, it is requested that each of you arrange for the use of these guidelines in the handling of responses from your organizations to requests from the Select Committees.

John M. Clarke

John M. Clarke
Associate Deputy to the DCI
for the Intelligence Community

Attachment

## GUIDELINES FOR PARAPHRASING SENSITIVE INFORMATION IN CERTAIN DOCUMENTS PROVIDED SELECT COMMITTEES

1. The Director of Central Intelligence has recently discussed with Senator Church the need for special consideration and treatment by the Select Committee of certain sensitive aspects of intelligence activities and the Senator has expressed his recognition of this need. It is anticipated that appropriate arrangements can be made so as to avoid the risk of exposing such matters and at the same time satisfying the Select Committees' need for a full understanding of the intelligence community's activities. Included in such matters are the identities of sensitive sources, the material provided to the United States by cooperating foreign intelligence services, the details of technical devices and systems and of operational methods, the identities of certain employees whose safety could be jeopardized if revealed, the identities of American citizens and organizations who have cooperated with US intelligence and some additional materials the public disclosure of which would create serious foreign policy or national security problems. Such material should be protected not only from exposure but indeed the risk of exposure. Further, recognition should be given to the need to protect certain other information which, if improperly disclosed, might impair the privacy rights of individuals.

2. Proper procedures should enable intelligence community members to prevent risk of disclosure of sensitive sources and methods and at the same time present to the Select Committees the necessary details to allow for their proper understanding of community activities.

3. The procedures described herein are not to be used as downgrading or declassification guides. All concerned should be mindful that application of these procedures will not declassify, downgrade or remove from compartmentation controls any documents or information provided the Select Committees, unless individual advice to that effect is provided as well.

4. <u>What May Be Paraphrased</u>

While it is not possible to anticipate all requirements which may be levied by the Committees for documenting material and not

possible to determine specifically what material should be excised from these documents, the following illustrations are offered in certain likely categories. The criteria in all cases should meet the test mentioned above.

5. Collection of Intelligence

(a) The Committees will probably address the matter of how intelligence is collected. Documents supporting responses may be paraphrased by removal of identities of sensitive agents and informants, covert personnel, and contractual cover arrangements. A descriptive phrase may be substituted, i.e., a foreign journalist, a political official in the opposition party. No paraphrasing should be used in connection with names of individuals whose employment or former employment by, or association with a department or agency, does not remain secret or for individuals whose present or future activities on behalf of the department or agency do not require that previous cover arrangements remain secret.

(b) Some information may be required with respect to technical intelligence systems including cryptologic and communications activities and reconnaissance capabilities. Almost all of such material is currently handled in compartmentation control channels under various codewords or nicknames. No security threat is perceived by use of these codenames or nicknames in classified documents. Details of the technical systems which would reveal critical operational capabilities and contractual and funding arrangements which would identify individuals whose participation was obtained under agreement of continued secrecy may be excised from documents. Any question on release of codeword material should be referred to the Program Manager who in turn may consult with the Director of Central Intelligence to ensure a consistent approach in the Community's paraphrasing procedures. While documentary samples of intelligence obtained by technical means may be used in support of testimony, special consideration should be given with regard to raw products which reveal critical operational capabilities.

6. Intelligence Estimates

Finished intelligence reports and estimates do not usually contain source identifications and will not normally require paraphrasing. However, departments and agencies should review such publications to ensure deletion of sensitive source identities and details of collection systems.

7. Administration

Information concerning the administration of intelligence agencies may be required. This may include staffing charts with occupants identified. Identities of personnel formerly not under cover and now functioning in a cover assignment should be deleted as well as those who may in the future be considered for a covert assignment.

8. General

The following categories of information or specific examples may arise in any number of circumstances in documentation requested by the Select Committees. In all cases, serious consideration should be given by the department or agency concerned to the necessity of deletion or paraphrasing of this type of information, prior to providing the document.

(a) Agent or informant names or operational information revealing them.

(b) Details which would reveal sensitive methods and techniques (1) employed in human source collection, (2) employed for the physical security protection of the department's or agency's personnel or physical environment.

(c) The numbers, locations, times and other indications of recruitment, attempted recruitment or emplacement of personnel within targeted foreign organizations.

(d) Names of particular employees whose physical safety or future careers might be placed in jeopardy by exposure.

(e) Foreign or US sources, official or otherwise who agreed to cooperate under terms of explicit or implied confidentiality, who would be embarrassed or endangered by disclosure of their role.

(f) Assumed identities, locations or other information permitting identification of defectors or refugees who might be targeted for retaliation.

(g) Identifying information on intelligence services of friendly and neutral countries and collaboration of those services with US intelligence agencies.

(h) Identification of technical foreign intelligence operations of high vulnerability or extremely high political sensitivity.

(i) Details of arrangements with US and foreign banks, investment houses, etc., in support of intelligence operations.

(j) Specific information on special relationships with private firms established with the approval of top corporate officials. This includes names of firms or industrial associations that collaborate in a special manner such as providing cover for foreign intelligence operations.

(k) Names of firms collaborating with US intelligence agencies in collection and assessment programs (especially those having large foreign clienteles).

(l) Proprietary, trade secret or patent information.

9. Techniques of Paraphrasing

Paraphrasing of intelligence material may include the physical removal of the identity of a person, place or thing from written communication with or without regard for the residual content. Use of a substitute terms is an example of paraphrasing which permits intelligent continuity of the material without revealing the true identity. Paraphrasing does not extend to the use of false or misleading substitute material.

The integrity of official records must be maintained. The following paraphrasing techniques apply only to copies of records.

(a) Names may be obliterated, masked or replaced with substitute terms, the residual material xeroxed and the copy submitted to Committees.

(b) The material can be retyped or reprinted with substitute phrases or substitute descriptions which do not reveal the sensitive material.

(c) Entire pages can be removed from some documents and replaced with a blank page carrying only reference information as to the location of the sensitive material within the contributing department or agency.

(d) Within a category of inquiry, it may be desirable to extract a complete document from requested material when the request is broad and all-inclusive within its field. The existence of such a document should be made known to the Committees but retained by the agency or department for review under escort of a representative of the department or agency.

10. Management of Documents

The original record and a copy of the paraphrased version provided should be readily available in all cases. Materials developed within an agency or department in response to requests should be

reviewed at an appropriate level for completeness, responsiveness and accuracy. In the case of documents or materials of a community nature, the release should be done in coordination with the departments or agencies and/or the Program Manager concerned an any paraphrasing should be agreed upon during coordination.

This proposed use of paraphrasing as a special arrangement to protect selected issues contained in material provided to Select Committees by one agency may prove to be a futile exercise if not practiced in common by all participating departments and agencies. It is essential to the proposal that departments and agencies attempt to employ the same criteria for paraphrasing and coordinate as required. This paper can serve only as general guidelines.

#C31

# United States Senate

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON
ADMINISTRATIVE PRACTICE AND PROCEDURE
(PURSUANT TO SEC. 3, S. RES. 55, 93D CONGRESS)
WASHINGTON, D.C. 20510

#MDR16



April 10, 1975



Honorable Edward H. Levi
Attorney General
Department of Justice
Washington, D.C.

Dear Mr. Attorney General:

A newspaper report in today's Washington Post has raised serious questions as to how many federal agencies engage in electronic surveillance and the extent of such surveillance.

At a hearing on May 23, 1974, before the Subcommittee on Administrative Practice and Procedure, Attorney General Saxbe testified on this subject. I asked him: "Can you tell us about any other organizations or government departments that are involved in any wiretapping at all today?" The Attorney General replied: "We do not believe that there is anyone else and the penalties are rather severe." (p. 495) I am enclosing a copy of the hearings for your convenience.

The recent reports raise questions concerning the completeness and clarity of Attorney General Saxbe's earlier testimony. President Johnson's executive memorandum of June 30, 1965, requires that federal agencies engage in wiretapping only with the prior approval of the Attorney General. In order to fully answer the questions that have been raised, I request that you provide the Subcommittee on Administrative Practice and Procedure with the following information by April 16:

177-072

1. A list of all federal departments, agencies, bureaus, divisions, and other units that conduct, have conducted, or have authority to conduct electronic surveillance of any type (including wiretaps, bugs, and other uses of any device or apparatus which can be used to intercept a wire or oral communication).

CRIMINAL-GEN. CRIME

ENCLOSURE

62-116395-108

2. For each agency listed under #1 above, the specific statutory or other authority for the agency's conduct of electronic surveillance.

3. For each agency listed under #1 above, all guidelines, procedures, rules and regulations relating to the conduct of electronic surveillance.

4. For each agency listed under #1 above, a specification of whether the agency's conduct, or authority to conduct, electronic surveillance includes:

a. Electronic surveillance conducted pursuant to a court warrant obtained under the provisions of sections 2516 and 2518 of title 18, United States Code;

b. Electronic surveillance conducted without a court order obtained under the provisions of sections 2516 and 2518 of title 18, United States Code;

c. Electronic surveillance conducted within the United States;

d. Electronic surveillance conducted in foreign countries.

5. For each agency listed under #1 above, the number of electronic surveillances in place on April 1, 1975, and the number of electronic surveillances in place at any time during the calendar years 1970 through 1974 (with a description of the method used in computing these figures).

I am sure you appreciate the need for the questions raised by Attorney General Saxbe's testimony to be answered as quickly and definitively as possible. These questions demonstrate once again the need for close cooperation between the Department of Justice and the Congress.

Many of the questions posed in this letter were originally raised in my letter of October 10, 1973, to Attorney General Richardson. The Subcommittee requested additional information on April 16, 1974, and at the hearing on May 23, 1974. Attorney General Saxbe indicated a willingness at the hearing to provide this information in the near future, but none of this information has been provided. I am enclosing copies of the October 10, 1973, and April 16, 1974 correspondence

Honorable Edward H. Levi
April 10, 1975
Page 3

for your convenience, and would appreciate your letting me know by when the information requested in these letters and at the hearing will be made available.

With best wishes.

Sincerely,

Edward M. Kennedy
Edward M. Kennedy
Chairman
Subcommittee on Administrative
Practice and Procedure

We look forward to hearing from you and to making the necessary arrangements for your appearance.

With best personal regards.

Sincerely,

EDWARD M. KENNEDY,
*Chairman, Subcommittee on Administrative Practice and Procedure.*
SAM J. ERVIN, Jr.,
*Chairman, Subcommittee on Constitutional Rights.*
EDMUND S. MUSKIE,
*Chairman, Subcommittee on Surveillance.*

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U.S. SENATE,
COMMITTEE ON THE JUDICIARY,
SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE,
*Washington, D.C., April 16, 1974.*

Hon. JOHN DAVITT,
*Chief, Internal Security Section, Criminal Division, Department of Justice, Washington, D.C.*

DEAR MR. DAVITT: I appreciate your meeting with me to discuss the nature of the requests by the Subcommittee on Administrative Practice and Procedure for materials relating to warrantless electronic surveillances. The purpose of this letter, as you requested, is to memorialize the Subcommittee's specific requests.

The materials requested are listed in the attached memorandum. Of course, these requests are not intended to be exclusive or exhaustive, and are in addition to any other requests that may be made by the Subcommittee.

I appreciate your cooperation in seeking to ensure that these requests be met promptly. If all the materials requested are not readily available, I would appreciate the Department's providing the materials in increments as they are assembled.

I will look forward to working with you on these and related matters. With best regards.

Sincerely,

KENNETH M. KAUFMAN,
*Assistant Counsel.*

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MATERIALS ON WARRANTLESS ELECTRONIC SURVEILLANCE REQUESTED BY THE SUBCOMMITTEE ON ADMINISTRATIVE PRACTICE AND PROCEDURE

1. For a representative group of electronic surveillances, please provide the materials listed under either "A" or "B" below. By "representative" is meant a group that is representative with respect to (a) the statutory categories of Section 2511(3), Title 18, United States Code, used by the Attorney General in authorizing the surveillances; (b) the types of targets of the surveillances; (c) the type of surveillance, e.g., telephone, microphone or other; and (d) the date of authorization of the surveillances, both before and after the Supreme Court decision in *United States v. United States District Court*, 407 U.S. 297 (1972).

A. Copies of documents containing: (1) requests for authorization of electronic surveillances from the Director of the FBI to the Attorney General; (2) authorizations signed by the Attorney General; (3) requests for reauthorization of existing electronic surveillances from the Director of the FBI to the Attorney General; (4) reauthorizations signed by the Attorney General; and (5) communications between the FBI or the Department of Justice and a telephone company regarding the installation, maintenance, or discontinuance of electronic surveillances. These documents would be for actual, as opposed to hypothetical, surveillances, but not necessarily surveillances which are currently active. Names and other data which identify targets of the surveillances could be excised. The documents would be given to the Subcommittee staff on a confidential basis, and appropriate measures would be taken to ensure that they remain confidential. They could be shown to appropriate staff of the Subcommittee on Constitutional Rights and the Foreign Relations Subcommittee on Surveillance under the same condition of confidentiality.

B. Copies of the same materials referred to in "A" above except that the documents would represent hypothetical, rather than actual, electronic surveillances. The materials would, however, accurately reflect documents for actual

surveillances. The materials would be supplied to Subcommittee staff on a nonconfidential basis, since they would represent hypothetical and not real surveillances. In addition, the Subcommittee staff would be shown copies of some documents for actual surveillances (from which names and identifying data could be removed) in order to compare them with the hypotheticals.

2. Copies of actual or hypothetical documents reflecting each step in the process of review within the FBI of a request to initiate a warrantless electronic surveillance. At the meeting of February 27th, Director Kelley referred to at least a ten-step process within the FBI for reviewing a request for a wiretap. Director Kelley indicated that there are communications to and from the agent in the field, the agent's supervisor, the Assistant Agent in Charge, the Agent in Charge, the supervisor in the appropriate division of the FBI, the Unit Chief, the Section Chief, the Branch Chief, the Assistant Director, the Assistant to the Director, and the Director. To the extent that there may be differences in the review procedure for "bugs" as opposed to wiretaps, please provide documents reflecting these differences.

3. Copies of any FBI or Department of Justice rules, regulations, documents procedures, manuals or portions of manuals relating in any way to the initiation, installation, conduct, maintenance, supervision, approval, authorization, reauthorization, financing, or discontinuance of warrantless wiretaps or other electronic surveillances.

4. Copies of any documents, rules, regulations, procedures, manuals or portions of manuals relating to record-keeping procedures and indexes in the FBI or the Department of Justice with respect to warrantless electronic surveillances.

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U.S. Senate,
Committee on the Judiciary,
Subcommittee on Administrative Practice and Procedure,
*Washington, D.C., April 17, 1974.*

Hon. William B. Saxbe,
*Office of the Attorney General,*
*Department of Justice, Washington, D.C.*

Dear Mr. Attorney General: I am writing with reference to my letter to the Attorney General of October 10, 1973, seeking certain information about warrantless electronic surveillance. A copy of this letter is enclosed for your convenience. The information requested would expand and update information supplied to the Subcommittee over the past several years. After six months, none of the information has yet been provided.

In your letter of February 5th, you indicated that every effort was being made to obtain the information I requested as expeditiously as possible. At a meeting with Subcommittee staff last month following our meeting of February 27th, however, the Department stated that it would be willing to provide only an update of the information provided in 1971 and 1972, and to furnish this information only to me personally on a confidential basis. This proposal would not meet the Subcommittee's requirements. The Subcommittee requires all the information requested, not just an update of that supplied two years ago. The information provided on a nonclassified basis in previous years should be provided on the same basis at this time. To the extent that any information is supplied on a confidential basis, Subcommittee members and staff must have access to it.

I am sure you realize that the Subcommittee's need for this information is pressing. As you are aware, we have been conducting hearings on warrantless electronic surveillance with the Subcommittee on Constitutional Rights and the Foreign Relations Subcommittee on Surveillance. In order to effectively exercise our oversight and legislative responsibilities in this area, we need the base of information requested in the letter.

I am writing to request that the bulk of the information requested be provided to the Subcommittee no later than April 29 in order to enable the Subcommittee to analyze the data prior to our next series of hearings beginning May 7th. Please contact Kenneth Kaufman, Assistant Counsel, if you have any questions regarding this request.

Thank you in advance for your cooperation in this matter. With best personal regards.

Sincerely,

Edward M. Kennedy,
*Chairman, Subcommittee on Administrative Practice and Procedure.*

JAMES O. EASTLAND, MISS., CHAIRMAN

| | |
|---|---|
| ICCLELLAN, ARK. | ROMAN L. HRUSKA, NEBR. |
| VIN, JR., N.C. | HIRAM L. FONG, HAWAII |
| HART, MICH. | HUGH SCOTT, PA. |
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| UNNEY, CALIF. | |

JOHN H. HOLLOMAN III
CHIEF COUNSEL AND STAFF DIRECTOR

EDWARD M. KENNEDY, MASS., CHAIRMAN

| | |
|---|---|
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| QUENTIN N. BURDICK, N. DAK. | EDWARD J. GURNEY, FLA. |
| JOHN V. TUNNEY, CALIF. | |

JAMES F. FLUG, CHIEF COUNSEL

# United States Senate

COMMITTEE ON THE JUDICIARY
SUBCOMMITTEE ON
ADMINISTRATIVE PRACTICE AND PROCEDURE
(PURSUANT TO SEC. 3, S. RES. 55, 93D CONGRESS)
WASHINGTON, D.C. 20510

#m0R16

ALL FBI INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-19-01 BY SP-2 ALM/BTG

October 10, 1973

The Honorable Elliot L. Richardson
Office of the Attorney General
Department of Justice
Washington, D.C. 20530

Dear Mr. Attorney General:

As you know, the Subcommittee on Administrative Practice and Procedure has played an active role in the area of electronic surveillance over the past several years, including its role in the development and processing of the legislation which eventually became Title III of the Omnibus Crime Control and Safe Streets Act of 1968 and its hearings on warrantless wiretapping last year.

On February 5, 1971, I wrote Attorney General John Mitchell seeking certain information about electronic surveillance installations without court orders. The Department was good enough to provide me with most of the information I sought. The information extended by the Department was extremely useful in enlightening both the Committee and the public about the extent and signficance of such surveillance.

The information sought and supplied dealt only with the period June 19, 1968 through calendar year 1970. Since then, of course, the United States Supreme Court has held that domestic security surveillance without a court order is unconstitutional, United States v. United States District Court, 407 U.S. 297 (1972). Shortly after the Supreme Court decision, our Subcommittee held hearings on warrantless wiretapping, during which a detailed inquiry was made into the Justice Department's practices and procedures in implementing the decision. At the hearings, Deputy Assistant Attorney General Kevin Maroney testified that in response to the Supreme Court ruling, a certain number of installations "in cases involving domestic security," to use the description in Mr. Kleindienst's statement of June 19, 1972, were terminated. In a letter dated August 2, 1972, Mr. Maroney indicated the numbers of surveillances in place on

June 29, 1972 in each of the five statutory categories contained in Section 2511(3) of Title 18, United States Code. Also, on May 14, 1973, Acting Director of the Federal Bureau of Investigation William D. Ruckleshaus disclosed information concerning some 17 wiretaps that had been placed on the telephones of newsmen and government officials.

In order to keep this Subcommittee and the public fully informed about this extremely significant aspect of your practices and procedures, would you kindly provide the following information as soon as possible, sending us immediately those items of information which are readily available, and the remainder when obtained. As I indicated in my February 5, 1971 letter, I recognize that some of the statistics will be based on documents which are classified, but, as earlier, the requests have been framed so as to admit of answers which should be able to be unclassified. As previously indicated, if you nevertheless see a need to classify any particular answer, please provide it separately, and it will be handled on a classified basis.

As used in the following questions, the term "electronic surveillance" includes interceptions of both wire and oral communications. The questions refer only to warrantless electronic surveillances.

A. For each of the periods calendar year 1971, calendar year 1972, and January 1, 1973 to September 30, 1973, please provide:

1. The number of electronic surveillance installations placed in operation or continuing in operation at any time during the period, in terms of the number of "premises of organizations or individuals without regard to the number of instruments which may be involved in effectuating the surveillances," to use the description in Mr. Maroney's letter of August 2, 1972. I assume that this is the same method of computation used by Mr. Mardian in his letter of March 1, 1971; if it is not, please indicate the method of computation used by him and provide comparable figures for the time periods specified.

2. Of these, please provide:

a. The number of electronic surveillance installations newly placed in operation during the period;

b. The number of electronic surveillance installations continuing in operation at any time during the period but placed in operation during a prior period.

3. The number of each type of installation, i.e., telephone surveillances, microphone surveillances, combination surveillances, or other.

4. The number of surveillances installed during each period which continued for each of the following time categories: under one week, one week to one month, one month to six months, over six months.

5. The numbers of electronic surveillances in which:

a. One electronic surveillance device was installed;
b. Two electronic surveillance devices were installed;
c. Three to five electronic surveillance devices were installed;
d. Six to ten electronic surveillance devices were installed;
e. More than ten electronic surveillance devices were installed.

6. The total maximum number of surveillances in operation at any one time during each period, as referred to in Mr. Mardian's letter of March 1, 1971.

7. The number of electronic surveillances installed, conducted, maintained or monitored by any person or organization, or by any unit or employee of any state or local government, that were directed, supervised, made at the request of, made with the knowledge of, or connected in any way with any agency or other unit of the United States government.

8. The number of wiretaps or other electronic surveillances conducted in a foreign country in which the object or target of the surveillance was a United States citizen and which were directed, conducted, supervised, made at the request of, made with the knowledge of, or connected in any way with any agency or other unit of the United States government.

B. For each of the periods calendar year 1971, January 1, 1972 to June 19, 1972, June 20, 1972 to December 31, 1972, and January 1, 1973 to September 30, 1973, please provide:

9. a. The number of electronic surveillances that were installed in cases involving domestic security, as defined in <u>United States v. United States District Court</u> and as referred to in Mr. Kleindienst's statement of June 19, 1972.

b. The number of electronic surveillances that were installed with respect to activities of a foreign power or foreign agents as described in <u>United States v. United States District Court</u>, 407 U.S. at 322.

c. The number of electronic surveillances that were installed on domestic organizations and individuals with a "significant connection with a foreign power, its agents or

agencies," as delineated in United States v. United States District Court, 407 U.S. at 309 n.8, and discussed in the testimony of Deputy Assistant Attorney General Maroney before this Subcommittee.
The above 3 categories are intended to be mutually exclusive.

10. a. The particular United States government departments, agencies, bureaus, divisions and other United States government entities that engaged in electronic surveillance of domestic organizations and individuals, as described in Question 9a above.

b. The particular United States government departments, agencies, bureaus, divisions and other United States government entities that engaged in electronic surveillance within the continental United States on a foreign power or foreign agents as described in Question 9b above.

c. The particular United States government departments, agencies, bureaus, divisions and other United States government entities that engaged in electronic surveillance of domestic organizations and individuals with significant connection with a foreign power, its agents or agencies, as described in Question 9c above.

With respect to each such department, agency, bureau, division, or other government entity, please provide the numbers of electronic surveillances installed or in operation during each time period.

11. a. Please indicate whether the figures provided in Mr. Mardian's letter of March 1, 1971 included the wiretaps of 17 newsmen and government officials disclosed by Acting FBI Director Ruckleshaus on May 14, 1973.

b. For each period, please indicate the total number of other electronic surveillances conducted, directed, supervised, made at the request of, made with the knowledge of, or connected in any way with the FBI or the Department of Justice that were not included in the figures provided in Mr. Mardian's letter of March 1, 1971.

C. 12. On June 5, 1973, the White House released figures on the number of national security wiretaps installed since 1945, reported at page H 4343 of the Congressional Record. These figures seem inconsistent with those supplied to me by the Department on March 1, 1971. In addition, the figures are unclear in certain key respects. I would therefore appreciate your supplying the following information with respect to the figures released by the White House:

a. Do the years indicated refer to fiscal or to calendar years?

b. Do the totals include interceptions other than by telephone wiretaps--e.g., microphone surveillances, etc.?

c. Do the figures refer to the sum of all interceptions in operation during the year, or only to those in operation as of a certain date--e.g., December 31st?

d. Do the figures refer to the number of premises at which interceptions were made, the number of persons who were the primary targets of such interceptions, the number of listening devices installed, or some other number?

e. For each of the years involved, do the figures refer to wiretapping by all governmental agencies or only by the Federal Bureau of Investigation? If the reference is to agencies other than the F.B.I., please indicate which agencies. How many of the interceptions referred to related to organized crime investigations?

f. If the answers to the above questions do not explain the inconsistencies between the figures released by the White House and those supplied to me, please indicate any other explanation that may account for the differences.

13. a. Please provide the number, names, and the present status of all criminal prosecutions in which electronic surveillance was used in any way in cases involving domestic security, as described in Question 9a above.

b. Deputy Assistant Attorney General Maroney testified before this Subcommittee that in "practically all cases" in which a criminal defendant was overheard without a warrant, the government disclosed the surveillance to the trial court. Please indicate the number, names, and the present status of any cases in which an electronic surveillance of a criminal defendant was made but in which such a disclosure was not made to the trial court. Please also specify the nature of any standards and procedures adopted by the Department to ascertain and review such cases.

14. With respect to all electronic surveillances newly installed between January 1, 1973, and September 30, 1973, please indicate the number of surveillances authorized under each of the five statutory categories contained in Section 2511(3) of Title 18, United States Code. Please also provide the same information with respect to all electronic surveillances in place on September 30, 1973, regardless of when they were installed.

15. a. Please set forth the standards and procedures that the Department has adopted with respect to assuring compliance with the Supreme Court decision in United States v. United States District Court. Please also indicate the nature and timing of any changes in the Department's practices and procedures in this respect.

b. Please indicate the nature of any standards or procedures adopted by any other department, agency, bureau, division, or any other entity of the United States government to assure compliance with the Supreme Court decision.

I realize that I am requesting a substantial amount of information, but as you can well understand, this is a matter of great current public significance. It is not only important that the Congress be kept fully informed, but also that the public be reassured that the Attorney General has full knowledge and control over the mechanisms of our government that directly affect the constitutional rights of our citizens. Accordingly, I am transmitting this letter in the spirit of cooperation between the Department and the Congress stressed by Deputy Attorney General Ruckleshaus at his confirmation hearings before the Judiciary Committee.

I very much appreciated the promptness of the Department's response to my initial inquiry two years ago. I assume that much of the information requested in this letter is readily available. Insofar as some of the information may not be immediately available, a prompt response with respect to such information as is readily available would be appreciated, with the remaining information provided at a later date.

With best wishes.

Sincerely,

Edward M. Kennedy
Chairman
Subcommittee on Administrative
Practice and Procedure

INTELLIGENCE COMMUNITY STAFF

Ad Hoc Staff
75-466

30 April 1975

NOTE FOR: Mr. William Cregar
Federal Bureau of Investigation

Senstudy - '75

This correspondence has been sent to Senator Church.

John M. Clarke
Associate Deputy to the DCI
for the Intelligence Community

Attachments:
Two letters dated 29 Apr 75
from Mr. Colby to Sen. Church

REC-106 62-116395-107

16 MAY 7 1975

#MDR16
ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 1-19-01 SP-2 ALM/bfs

File
62-116395
5/8

3 ENCLOSURE

INFORMATION

84 MAY 7 1975

THE DIRECTOR OF CENTRAL INTELLIGENCE

WASHINGTON, D. C. 20505

29 APR 1975

The Honorable Frank Church, Chairman
Select Committee to Study Governmental Operations
with Respect to Intelligence Activities
United States Senate
Washington, D. C. 20510

Dear Senator Church:

I have your request of 24 April for additional material, and we are working to make it available to your staff as soon as possible. I believe we will be able to meet your ten-day time requirement with the exception of the materials outlined in paragraphs 4 and 8. While the Agency's responses to paragraph 3 should satisfy part of your request in paragraph 4, a full response will require a file search and review, which cannot be accomplished in ten days. We do not have separated the responses to Director Schlesinger's letter of 9 May 1973 as between "senior operating officials" and "all employees or ex-employees" responses. We can of course provide you what we have as a start.

The answers to most of the nine parts of paragraph 8 will involve a careful file search and a careful review for sensitive sources and methods information. We will do our best, but a full answer to paragraph 8 will require more than ten days.

We have for other parts of your request summarized material which we will provide so that your staff can discuss with us the best way of proceeding against the more voluminous backup data. For example, in one instance the backup to the summary involves as many as 20,000 index cards. In another, the basic data involves a roomful of miniaturized data. We need to be certain as to the precise concern of the Committee in these matters in order to respond with the least disruption to the work of the Agency and to help the staff to understand whether they have asked the right question.

The materials requested in paragraphs 5 and 10(a) are in the Watergate reports. I would hope your staffs could acquire this data from the published versions of those reports.



ENCLOSURE

62-116395-107

As the inquiry progresses from a documentation phase to interview phases, it will become even more important to adhere to the general agreement we have with your staff to have preliminary consultations and discussions prior to a formal request by the Committee. In this way we can promote a better understanding of the work involved and establish reasonable time frames as well.

Sincerely,

/s/ Bill

W. E. Colby

THE DIRECTOR OF CENTRAL INTELLIGENCE
WASHINGTON, D. C. 20505

29 APR 1975

The Honorable Frank Church
Chairman
Select Committee to Study Governmental
Operations with Respect to Intelligence
Activities
United States Senate
Washington, D. C. 20510

Dear Senator Church:

I believe it would be useful if I placed on the record the situation with respect to your 12 March request. I regret that you considered it necessary to issue public criticism of CIA's efforts to meet your needs. As of this writing, the major portion of that request for CIA-originated material has been met and, I believe, in a responsive manner.

At our meeting of 22 April, we agreed that if your investigators could review materials at the CIA Headquarters, it would expedite the inquiry and lessen the amount of material which otherwise would have to be paraphrased, a process which takes a substantial amount of time. Special office space and access badges have been provided for this purpose. I agreed that, should specific documents or parts thereof be requested to be sent to the Senate Select Committee offices, the Agency would prepare these as expeditiously as possible without sacrifice to the security considerations consistent with our earlier understanding of the need to protect sources and methods from undue risk of exposure. I also gave you my assurance that we would assist in the clearance of multi-agency papers involving CIA, some of which are on your earlier request.

A speed-up in the Agency's paraphrasing process is being undertaken, although as you can appreciate, this involves senior personnel with heavy demands for substantive work, and

the volume of the material you have requested is considerable. At our meeting, I showed you a list of the materials that have already been provided, and Mr. Miller has been kept advised about the status of other materials.

In discussing some of the concerns of people in the Intelligence Community about the procedures addressed above, you agreed to raise with the Committee the question of ultimate disposition of materials provided. I understand that this is in train. In this connection, I was very much appreciative of your reassurance that you and the Committee members will consult with me prior to the release of any classified materials in public statements or unclassified reports of the Committee. Such consultation is consistent with the spirit of the inquiry.

I believe our staffs are working well together. There have been the usual inherent problems that one can expect in an investigation of this scope. Because the Select Committee staff personnel engaged in the inquiry are relatively new to the field of intelligence and to the seriousness of the inquiry, expectations are ambitious. But there is something to be said for both sides of the equation. For example, we await the convenience of your investigators on selective follow-up matters on which they had requested further data. Meanwhile, we have urged and are providing the staff with detailed briefings by way of introduction to the Agency's history and functions. I am personally convinced that direct discussions about our work and about specific instances of interest to the staff investigators will be far more direct and productive to them (saving us much useless work) than engaging in debates about massive document transfer requests.

To that end, I am very anxious to renew and by this letter I would repeat my request to you that the Committee move personally and directly into the inquiry at an early date. I am delighted that you and the Committee are coming to visit our headquarters for a discussion of the Intelligence Community and the Agency and for an exchange on the precise interests which

particular Committee members have concerning the inquiry. We need to understand the specific objectives the Committee seeks and relate these to the priorities of the materials you will need. I believe we can be helpful if we know these. Again, I am convinced that the constructive long-term contributions that we both envisage from the Select Committee's work will derive in a far more concrete fashion by focusing on specific and major questions about intelligence rather than consuming an inordinate amount of time reviewing the details of all of our past history. In that way our main energies and our judgment can be addressed to what kind of intelligence we want in our free society of the future, rather than what we may have had in the past.

Sincerely,

/s/ Bill

W. E. Colby

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CURTIS R. SMOTHERS, MINORITY COUNSEL

Executive Registry
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United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES
(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

Ad Hoc Staff
75-416

April 24, 1975

#MORI 16

Mr. William E. Colby
Director of Central Intelligence
Central Intelligence Agency
Washington, D. C. 20505

Dear Director Colby:

On behalf of the Senate Select Committee to Study Governmental Operations with Respect to Intelligence Activities, I enclose a specification, furnished to John Clarke yesterday, which calls for certain material referred to in your December 24, 1974 report to the President and provides further detail concerning certain CIA material heretofore requested. Obviously it is not intended to limit what we have already requested.

It is the Committee's expectation that all this material should be produced in ten days.

I was heartened by the spirit of cooperation demonstrated in your personal reassurances in our meeting on April 22, 1975, and I understand that substantial material was made available to us today at the CIA. However, the fact remains that too much material called for in our document request remains outstanding and the system apparently being employed to clear material for us builds in excessive delays. A necessary prerequisite to our inquiry proceeding expeditiously--as it should to restore public confidence in our intelligence agencies and develop a new national consensus on the proper functions of intelligence activity--is to eliminate these delays.

Sincerely yours,

Frank Church

Frank Church
Chairman

Enclosure

62-116395-107

SECRET

MATERIAL TO BE SUPPLIED TO
THE SENATE SELECT COMMITTEE BY THE CIA

<u>Specification of CIA Material Relating To
Director Colby's December 22, 1974 Report
and Director Colby's January 15, 1975 Senate Testimony</u>

The Committee's original request to the CIA should have been interpreted to cover all of the following in that the Committee requested all material underlying Director Colby's January 15, 1975 testimony before the Senate Appropriations Committee. In any event, Director Colby's report of December 24, 1974, makes clear that all the following material is central to the Committee's mandate. The CIA is requested forthwith to supply the following,as well as the material which they have already collected in response to the Committee's March 12 request.

1. All of the instructions on "Questionable Activities" which were issued by Director Colby in 1973, or thereafter, except for the "selected group of attachments" which were included in the Colby Report and thus already furnished to the Committee.

2. All files relating to the following "questionable activities" which were mentioned in the attachments to the Colby Report:

(a) Project MHBOUND II (and any other project relating to "Penetration of Another Government Agency").

(b) "Reporting on Dissident Groups".

(c) Projects Mockingbird, Celotex I and Celotex II (and

any other projects relating to "surveillance, telephone tap, surreptitious entry or other action" taken on behalf of the Agency against U.S. citizens in the United States).

(d) Project Merrimac (or any other project relating to the "penetration" of domestic groups).

(e) Postal Service: (the files relating to "penetration of the mail", mail opening or mail cover).

3. All reports made by CIA's "senior operating officials" in response to Director Schlesinger's letter of May 9, 1973, asking for reports on activities which "might be construed to be outside the (CIA's) legislative charter".

4. All employee or ex-employee responses to the same letter as well as responses to the "standing order" referenced in the letter and calling for such material in the future.

5. All files relating to CIA's participation in the "so-called Huston Plan" (referenced on page 2 of Director Colby's Report).

6. Annex A of the Colby Report (re "Coverage of Subversive Student").

(a) Any memoranda by Richard Ober on the establishment of:

(1) Systems for coordination of activities

(2) Dissemination of material

(3) Regular reporting on activities

SECRET

(b) The interim report suggested by paragraph 3 of Mr. Karamessines' memo.

7. Annex C.

(a) Any materials prepared for the review by the Director, noted in paragraph 1, of Agency efforts to monitor international activities of "radicals and black militants".

(b) An index of all projects developed by the Special Operations Group or by Agency Divisions in support of this program.

(c) A list of all agencies which had data links with the Special Operations Group as described in paragraph 5 of the memo.

8. Annex D. (Special Operations Group--Possible Foreign Links with American Dissidents)

(a) A list of all "organizations of interest" to the Special Operations Group, including but not limited to those mentioned in the memo from Mr. Ober.

(b) A list of all topic headings or subjects used for filing by the Special Operations Group.

(c) A list of all individuals or groups either "special targets" of the Special Operations Group or of "special concern" to the Special Operations Group, and a list of all program targets, all operational projects and all individual Agent projects.

(d) The materials which constitutes or underlies the "standing requirements" for information from the Special Operations Group by the FBI, Secret Service, and Immigration and Naturalization Service.

(e) Any documents consisting of or relating to FBI comments on the "adequacy and relevancy" of Special Operations Group information.

(f) Any reports "over the signature of the Director of CIA" based on Special Operations Group information disseminated to either the White House, the Secretary of State, the Attorney General, and the FBI.

(g) Any reports, special studies, or estimates requested and prepared by the Special Operations Group for the President, his Counsel, or the Attorney General and for the Intelligence Evaluation Committee.

(h) A description of the audio program of the Special Operations Group.

(i) The "formal Table of Organization" of the Special Operations Group.

9. Annex E

The complete "Allegations and Answers" series.

10. Annex F

(a) The reports from the CIA on Agency activities "with respect to Mr. Howard Hunt and other parties" which were

made available to "the appropriate law enforcement bodies".

(b) Any "information" assembled by the Inspector General or made by him in regard to "CIA activity in connection with Watergate and associated matters".

2 - Mr. S. F. Phillips

April 30, 1975

MATERIAL FOR SENATE SELECT COMMITTEE (SSC)
INVESTIGATING INTELLIGENCE ACTIVITIES



1. TITLE/SUBJECT: Organization of the FBI

2. ORIGINATING ORGANIZATION: FBI

3. NATURE OF MATERIAL: Letterhead memorandum with an enclosure, FBI Functional Organization Chart

4. DOCUMENT CLASSIFICATION: Unclassified

5. NATIONAL SECURITY INFORMATION STAMP: NA

6. SUMMARY OF CONTENTS:

Letterhead memorandum serves as a cover communication to the FBI Organization Chart which was prepared 1/14/75; and advises of certain changes in personnel since 1/14/75. Chart identifies all FBI officials from Director down through all Assistant Directors and their respective areas of responsibilities; identifies all Sections in all Divisions with indication of type of matters handled in Section; and includes a list of all 59 FBI field offices.

7. REQUESTER/DATE OF REQUEST: SSC. 3/19/75.

8. RELEASING AUTHORITY: FBI REC-106 62-116395

9. DATE OF SUBMISSION: 4/9/75 16 MAY 7 1975

10. LOCATION OF FILE COPY: FBI file 62-116395-69

11. NONE.

SFP:ekw (4)

NOTE: Original via liaison to Central Community Index in connection with Senstudy 75.

MAIL ROOM ☐ TELETYPE UNIT ☐

GPO 954-546

2 - Mr. S. F. Phillips
April 30, 1975

MATERIAL FOR SENATE SELECT COMMITTEE (SSC)
(U) INVESTIGATING INTELLIGENCE ACTIVITIES

1. TITLE/SUBJECT: Legal Authorities of the FBI

2. ORIGINATING ORGANIZATION: FBI

3. NATURE OF MATERIAL: Letterhead memorandum with enclosures described below

4. DOCUMENT CLASSIFICATION: Unclassified

5. NATIONAL SECURITY INFORMATION STAMP: NA

6. SUMMARY OF CONTENTS:

(a) Untitled memorandum from Attorney General Ramsey Clark to FBI Director J. Edgar Hoover, 9/14/67, dealing with FBI authority for investigations relating to riot situations.

(b) Two untitled memoranda dated 8/24 and 25/36 from FBI Director Hoover recording instructions received from President Franklin D. Roosevelt concerning FBI authority for investigations of subversive activities, particularly relating to communism and fascism.

(c) Untitled memorandum from FBI Director Hoover to Assistant to the Director E. A. Tamm, 9/10/36, concerning FBI authority for investigations of subversive activities, particularly communism and fascism, and the FBI function for the coordination of such investigations with Army and Navy Intelligence and State Department.

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/19/01 BY SP-2ALM/dk

62-116395-105

REC-106

MAY 7 1975

SFP:ekw (4)

SEE NOTE PAGE TWO

Assoc. Dir. ___
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Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
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Intell. ___
Laboratory ___
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Training ___
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Director Sec'y ___

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84 MAY 7 1975

GPO 954-546

(d) Presidential directives dated 9/6/39 and 1/8/43 (President Roosevelt); 7/24/50 (President Truman); and 12/15/53 (President Eisenhower). The first of the Roosevelt directives designated the FBI as coordinator of all law enforcement in the U. S. regarding espionage, sabotage and neutrality matters; the second Roosevelt directive reiterated the first. The Truman directive was a reiteration of the prior Roosevelt directives. The Eisenhower directive expanded upon the previous directives to include Atomic Energy Act violations.

7. REQUESTER/DATE OF REQUEST: SSC. 3/19/75

8. RELEASING AUTHORITY: FBI

9. DATE OF SUBMISSION: 4/4/75

10. LOCATION OF FILE COPY: FBI file 62-116395-47

11. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS:

Some of the documents discuss role of the FBI as the coordinating agency in connection with the activities of other intelligence community agencies: Army and Navy Intelligence, and State. Also, in the Presidential directive of 12/15/53, there is stated the FBI responsibility for investigating all violations of the Atomic Energy Act.

NOTE: Original via liaison to Central Community Index in connection with Senstudy 75.

2 - Mr. S. F. Phillips

May 1, 1975

MATERIAL FOR SENATE SELECT COMMITTEE (SSC)
TO INVESTIGATING INTELLIGENCE ACTIVITIES

1. TITLE/SUBJECT: Legal Authorities of the FBI

2. ORIGINATING ORGANIZATION: FBI

3. NATURE OF MATERIAL: Letterhead memorandum (LHM) with enclosure described below, including exhibits to enclosure, some of which are classified "Confidential."

4. DOCUMENT CLASSIFICATION: Confidential

5. NATIONAL SECURITY INFORMATION STAMP: Should have

6. SUMMARY OF CONTENTS: REC-106 62-116395-104

Under cover of an LHM, there was forwarded to the SSC an FBI "Intelligence Division Position Paper on Jurisdiction," dated 2/13/75. The purpose of the paper is to set forth an analysis of the investigative authority granted by Presidential Directives, the National Security Council, and orders of the Attorney General, as well as to list statutes from which the FBI draws investigative jurisdiction in the security and intelligence area of operation. The LHM noted that certain exhibits to the paper were extracted because of "Third Agency Rule" requirements and that approvals were being sought for clearances to subsequently furnish the excluded exhibits.

MAY 7 1975

7. REQUESTER/DATE OF REQUEST: SSC. 3/19/75

8. RELEASING AUTHORITY: FBI

9. DATE OF SUBMISSION: 4/10/75

Delivered 5/5/75

SFP:ekw
(4)

62-116395

SEE NOTE PAGE TWO

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/19/01 BY SP-2ALM/JR

Assoc. Dir. ___
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Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
Ident. ___
Inspection ___
Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

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GPO 954-546

10. LOCATION OF FILE COPY: FBI file 62-116395-78

11. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS:

This study encompasses Agreements and Presidential Directives as well as Interdepartmental Intelligence Conference and Interagency Committee on Internal Security documents issued as supportive evidence in delineating the investigative jurisdiction of the FBI.

NOTE: Original via liaison to Central Community Index in connection with Senstudy 75.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAY 0 5 1975

TELETYPE

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| Dep.-A.D.-Adm. | |
| Dep.-A.D.-Inv. | |
| Asst. Dir.: | |
| Admin. | |
| Comp. Syst. | |
| Ext. Affairs | |
| Files & Com. | |
| Gen. Inv. | |
| Ident. | |
| Inspection | |
| Intell. | |
| Laboratory | |
| Plan. & Eval. | |
| Spec. Inv. | |
| Training | |
| Legal Coun. | |
| Telephone Rm. | |
| Director Sec'y | |

NR001 NH CODE

11:29AM URGENT MAY 5,1975 VEM

TO: DIRECTOR

FROM: NEW HAVEN

SENSTUDY 75

REVUTEL MAY 2,1975.

FORMER SA HOBSON H. ADCOCK WAS CONTACTED THIS DATE BY THE SAC. ADCOCK WAS FURNISHED INFORMATION AS SPECIFIED IN RETEL. ADCOCK ADVISED THAT HE HAD NOT AS YET BEEN CONTACTED BY ANY REPRESENTATIVE OF CAPTIONED GROUP.

END

JDR

FBIHQ CLR

Mr. Phillips 4063

5/8

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 11/9/01 BY SP2ALM/JT/LS #MOR16

File 62-116395

REC-106 62-116395-103

16 MAY 7 1975

Records cc 67-447115 (Adcock)

COPY RETAINED IN PERSONNEL RECORDS UNIT

84 MAY 8 1975

2 - Mr. S. F. Phillips

May 1, 1975

MATERIAL FOR SENATE SELECT COMMITTEE (SSC)
INVESTIGATING INTELLIGENCE ACTIVITIES

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2 ALM/ATC #MDR16

1. TITLE/SUBJECT: Jurisdictional Agreements

2. ORIGINATING ORGANIZATION: FBI

3. NATURE OF MATERIAL: Letterhead memorandum with enclosures described below.

4. DOCUMENT CLASSIFICATION: Unclassified except for one enclosure dated 2/7/66 classified "Secret."

5. NATIONAL SECURITY INFORMATION STAMP: Should have

6. SUMMARY OF CONTENTS:

Enclosures are copies of various documents constituting jurisdictional agreements between the FBI and other Federal agencies or guidelines prepared by the Attorney General with reference to investigative responsibilities between the FBI and other Federal agencies in the security field generally. The specific documents are as follows:

(a) Delimitations of Investigative Duties of the FBI, the Office of Naval Intelligence, the Intelligence Division of the Army, and the Office of Special Investigations, Inspector General, U. S. Air Force, dated 2/23/49, with certain supplemental agreements.

REC-106 62-116395-108

(b) Agreement between the FBI and CIA dated 2/7/66, classified "Secret."

(c) Agreement between the FBI and Secret Service effective 7/30/73.

Delivered 5/5/75

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62-116395

SEE NOTE PAGE TWO

Assoc. Dir. ___
Dep. AD Adm. ___
Dep. AD Inv. ___
Asst. Dir.:
Admin. ___
Comp. Syst. ___
Ext. Affairs ___
Files & Com. ___
Gen. Inv. ___
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Intell. ___
Laboratory ___
Plan. & Eval. ___
Spec. Inv. ___
Training ___
Legal Coun. ___
Telephone Rm. ___
Director Sec'y ___

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GPO 954-546

(d) Investigative guidelines with reference to Title 11, Organized Crime Control Act of 1970, Regulation of Explosives, prepared by the Attorney General, submitted by letter to the FBI 1/11/73.

7. REQUESTER/DATE OF REQUEST: SSC. 3/19/75.

8. RELEASING AUTHORITY: FBI

9. DATE OF SUBMISSION: 4/8/75

10. LOCATION OF FILE COPY. FBI file 62-116395-65

11. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS:

These agreements and guidelines have direct bearing on the scope of responsibility of other intelligence community members and are in the nature of controls for both the FBI and other community members where common interests and responsibilities are present.

NOTE: Original via liaison to Central Community Index in connection with Senstudy 75.

2 - Mr. S. F. Phillips

May 1, 1975

MATERIAL FOR SENATE SELECT COMMITTEE (SSC)
INVESTIGATING INTELLIGENCE ACTIVITIES

ALL INFORMATION CONTAINED HEREIN IS UNCLASSIFIED DATE 1-19-01 BY SP2-ACM/ 9/6 # MORI6

1. TITLE/SUBJECT: Organization of the FBI

2. ORIGINATING ORGANIZATION: FBI

3. NATURE OF MATERIAL: Letterhead memorandum (LHM)

4. DOCUMENT CLASSIFICATION: Unclassified

5. NATIONAL SECURITY INFORMATION STAMP: NA

6. SUMMARY OF CONTENTS:

LHM refers to a request for the titles and number of FBI field Agents assigned to internal security, intelligence collection, and/or counterintelligence matters, operations, or activities, together with the percentage of total Agent manhours devoted to such matters. LHM advises that a current survey of all FBI field offices had been made to obtain the desired data but that since the information is considered highly sensitive, it was not being furnished directly to the SSC, but being maintained in the Intelligence Division at FBIHQ available for review by appropriately cleared personnel of the SSC Staff upon request.

REC- 106 62-116395-101

7. REQUESTER/DATE OF REQUEST: SSC. 3/19/75

8. RELEASING AUTHORITY: FBI

9. DATE OF SUBMISSION: 4/21/75

16 MAY 7 1975

10. LOCATION OF FILE COPY: FBI file 62-116395-82

11. RELATION TO INTELLIGENCE COMMUNITY PROBLEMS: None.

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Laboratory ___
Plan. & Eval. ___ NOTE: Original via liaison to Central Community Index in
Spec. Inv. ___
Training ___ connection with Senstudy 75.
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Director Sec'y ___

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